

By Mr. SMITH of Michigan: Petition of Capital Council, No. 30, Royal Arcanum, of Lansing, Mich., for House bill 17543—to the Committee on the Post-Office and Post-Roads.

By Mr. SPERRY: Resolutions of the Clinton Grange, No. 77, Patrons of Husbandry, of Clinton, Conn., favoring the establishment of a national health bureau—to the Committee on Expenditures in the Interior Department.

By Mr. TILSON: Petition of Norwich (Conn.) Council, No. 720, Royal Arcanum, for House bill 17543—to the Committee on the Post-Office and Post-Roads.

Also, petition of Mary Clap Wooster Chapter, Daughters of the American Revolution, of New Haven, Conn., for retention of the Division of Information of the Bureau of Immigration and Naturalization in the Department of Commerce and Labor—to the Committee on Immigration and Naturalization.

By Mr. WEBB: Petition of L. H. Shuford and other citizens of Lincoln County, for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of F. J. Anderson and other negro citizens of Charlotte, N. C., favoring joint resolution providing for a national negro exposition to celebrate fiftieth anniversary of emancipation—to the Committee on Industrial Arts and Expositions.

By Mr. WOOD of New Jersey: Petition of Capital City Council, No. 396, Royal Arcanum, of Trenton, N. J., favoring House bill 17543—to the Committee on the Post-Office and Post-Roads.

Also, paper to accompany bill for relief of Cornelius S. Abrahams—to the Committee on Invalid Pensions.

SENATE.

WEDNESDAY, *March 30, 1910.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.
The Journal of yesterday's proceedings was read and approved.

RESURVEYS OF PUBLIC LANDS.

Mr. HEYBURN. Mr. President, I desire unanimous consent to omit from the RECORD two maps which were to be admitted upon my request in connection with my remarks of the 28th. I find that the engraving of those maps would be more expensive than I had anticipated, and I think I would hardly be justified in asking that they be inserted.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Idaho? The Chair hears none.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by C. R. McKenney, its enrolling clerk, announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice-President:

S. 4689. An act for the relief of George Baker;

S. 5752. An act to correct the military record of Charles J. Smith;

S. 6089. An act to correct the military record of Edward D. Gilbert;

S. 6932. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors; and

H. R. 19028. An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1911.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented resolutions adopted by the memorial and executive committee, Grand Army of the Republic of Kings County, Department of New York, remonstrating against the enactment of legislation to abolish the pension agencies throughout the country, which were referred to the Committee on Pensions.

He also presented resolutions adopted by the Socialist party, of Honolulu, Territory of Hawaii, remonstrating against the importation of workmen from foreign countries into that Territory, which were referred to the Committee on Immigration.

Mr. LODGE. I present memorials of 40 Grand Army posts, in the State of Massachusetts, remonstrating against placing the statue of Gen. R. E. Lee in Statuary Hall, United States Capitol. I ask that the names of the Grand Army posts be printed in the RECORD, and that the memorials be referred to the Committee on the Library.

There being no objection, the memorials were referred to the Committee on the Library, and the names of the Grand Army posts were ordered to be printed in the RECORD, as follows:

Dahlgren Post, No. 2, of South Boston, Mass., remonstrating against placing the statue of Gen. R. E. Lee in Statuary Hall, United States Capitol.

Alfred C. Munroe Post, No. 12, of East Bridgewater, Mass., remonstrating against placing the statue of Gen. R. E. Lee in Statuary Hall, United States Capitol.

G. G. Phillips Post, No. 14, of Hopkinton, Mass., remonstrating against placing the statue of Gen. R. E. Lee in Statuary Hall, United States Capitol.

Thomas G. Stevens Post, No. 26, of Roxbury, Mass., remonstrating against placing the statue of Gen. R. E. Lee in Statuary Hall, United States Capitol.

F. A. Stevens Post, No. 37, of Spencer, Mass., remonstrating against placing the statue of Gen. R. E. Lee in Statuary Hall, United States Capitol.

John A. Rawlins Post, No. 43, of Massachusetts, remonstrating against placing the statue of Gen. R. E. Lee in Statuary Hall, United States Capitol.

Richard Borden Post, No. 46, of Fall River, Mass., remonstrating against placing the statue of Gen. R. E. Lee in Statuary Hall, United States Capitol.

A. W. Bartlett Post, No. 49, of Newburyport, Mass., remonstrating against placing the statue of Gen. R. E. Lee in Statuary Hall, United States Capitol.

A. B. Randall Post, No. 52, of Eastondale, Mass., remonstrating against placing the statue of Gen. R. E. Lee in Statuary Hall, United States Capitol.

Captain C. S. Hastings Post, No. 54, of Berlin, Mass., remonstrating against placing the statue of Gen. R. E. Lee in Statuary Hall, United States Capitol.

Charles Beck Post, No. 56, of Cambridge, Mass., remonstrating against placing the statue of Gen. R. E. Lee in Statuary Hall, United States Capitol.

Benjamin Stone, Junior, Post, No. 68, of Dorchester, Mass., remonstrating against placing the statue of Gen. R. E. Lee in Statuary Hall, United States Capitol.

Kilpatrick Post, No. 71, of Holyoke, Mass., remonstrating against placing the statue of Gen. R. E. Lee in Statuary Hall, United States Capitol.

A. St. John Chambre Post, No. 72, of Stoughton, Mass., remonstrating against placing the statue of Gen. R. E. Lee in Statuary Hall, United States Capitol.

J. P. Gould Post, No. 75, of Massachusetts, remonstrating against placing the statue of Gen. R. E. Lee in Statuary Hall, United States Capitol.

A. G. Biscoe Post, No. 80, of Westboro, Mass., remonstrating against placing the statue of Gen. R. E. Lee in Statuary Hall, United States Capitol.

A. G. Biscoe Post, No. 8, of Westboro, Mass., remonstrating against placing the statue of Gen. R. E. Lee in Statuary Hall, United States Capitol.

Ward Post, No. 90, of Danvers, Mass., remonstrating against placing the statue of Gen. R. E. Lee in Statuary Hall, United States Capitol.

Francis Washburn Post, No. 92, of Brighton, Mass., remonstrating against placing the statue of Gen. R. E. Lee in Statuary Hall, United States Capitol.

Revere Post, No. 94, of Canton, Mass., remonstrating against placing the statue of Gen. R. E. Lee in Statuary Hall, United States Capitol.

E. J. Griggs Post, No. 97, of Belchertown, Mass., remonstrating against placing the statue of Gen. R. E. Lee in Statuary Hall, United States Capitol.

Captain Horace Niles Post, No. 110, of Randolph, Mass., remonstrating against placing the statue of Gen. Robert E. Lee in Statuary Hall, United States Capitol.

D. G. Farragut Post, No. 116, of Gardner, Mass., remonstrating against placing the statue of Gen. R. E. Lee in Statuary Hall, United States Capitol.

General James L. Bates Post, No. 118, of Swampscott, Mass., remonstrating against placing the statue of Gen. R. E. Lee in Statuary Hall, United States Capitol.

E. P. Wallace Post, No. 122, of Amesbury, Mass., remonstrating against placing the statue of Gen. R. E. Lee in Statuary Hall, United States Capitol.

W. W. Rockwell Post, No. 125, of Pittsfield, Mass., remonstrating against placing the statue of Gen. R. E. Lee in Statuary Hall, United States Capitol.

Theodore L. Bonney Post, No. 127, of Hanson, Mass., remonstrating against placing the statue of Gen. R. E. Lee in Statuary Hall, United States Capitol.

George H. Thomas Post, No. 131, of Leicester, Mass., remonstrating against placing the statue of Gen. R. E. Lee in Statuary Hall, United States Capitol.

George L. Stevens Post, No. 147, of Massachusetts, remonstrating against placing the statue of Gen. R. E. Lee in Statuary Hall, United States Capitol.

O. H. P. Sargent Post, No. 152, of Essex, Mass., remonstrating against placing the statue of Gen. R. E. Lee in Statuary Hall, United States Capitol.

Marcus Keep Post, No. 155, of Monson, Mass., remonstrating against placing the statue of Gen. R. E. Lee in Statuary Hall, United States Capitol.

William Wadsworth Post, No. 165, of Duxbury, Mass., remonstrating against placing the statue of Gen. R. E. Lee in Statuary Hall, United States Capitol.

Henry H. Johnson Post, No. 171, of Northfield, Mass., remonstrating against placing the statue of Gen. R. E. Lee in Statuary Hall, United States Capitol.

Malcom Ammidown Post, No. 168, of Southbridge, Mass., remonstrating against placing the statue of Gen. R. E. Lee in Statuary Hall, United States Capitol.

Edwin E. Day Post, No. 174, of Greenfield, Mass., remonstrating against placing the statue of Gen. R. E. Lee in Statuary Hall, United States Capitol.

C. M. Wheaton Post, No. 182, of Somerset, Mass., remonstrating against placing the statue of Gen. R. E. Lee in Statuary Hall, United States Capitol.

C. C. Smith Post, No. 183, of South Hadley Falls, Mass., remonstrating against placing the statue of Gen. R. E. Lee in Statuary Hall, United States Capitol.

John A. Logan Post, No. 186, of Cambridgeport, Mass., remonstrating against placing the statue of Gen. R. E. Lee in Statuary Hall, United States Capitol.

R. A. Pierce Post, No. 190, of New Bedford, Mass., remonstrating against placing the statue of Gen. R. E. Lee in Statuary Hall, United States Capitol.

Thomas M. Gardner Post, No. 207, of Nantucket, Mass., remonstrating against placing the statue of Gen. R. E. Lee in Statuary Hall, United States Capitol.

Mr. OLIVER presented a petition of Local Union No. 107, Cigarmakers' International Union of America, of Erie, Pa., praying for the enactment of legislation to abolish the involuntary servitude imposed upon seamen in the merchant marine of the United States while in foreign ports, etc., which was referred to the Committee on Commerce.

He also presented memorials of Orion Council, No. 244, of Pittsburg; of Mount Penn Council, No. 495, of Reading; and of East End Council, No. 276, of Pittsburg, all of the Royal Arcanum, in the State of Pennsylvania, remonstrating against the enactment of legislation to increase the rate of postage on second-class mail matter, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the congregation of the Reformed Presbyterian Church of Beaver Falls, Pa., praying for the adoption of an amendment to the Constitution recognizing the Deity, which was referred to the Committee on the Judiciary.

Mr. GALLINGER. I present resolutions passed by the Business Men's Club of Toledo, Ohio; the Chamber of Commerce of Columbus, Ohio; the Commercial Club of Springfield, Ohio; the Chamber of Commerce of Dayton, Ohio; the Board of Trade of Indianapolis, Ind.; the Chamber of Commerce of Pittsburg, Pa.; the Merchant Marine Committee of One Hundred; and resolutions passed by the Merchant Marine League Convention of New Orleans, La., favoring the passage of the so-called "merchant-marine bill." I move that the resolutions lie on the table, as the bill has been reported.

The motion was agreed to.

Mr. GALLINGER presented a petition of the Garfield Citizens' Association, of the District of Columbia, praying for the enactment of legislation authorizing the East Washington Suburban Railway Company to construct a street-car line from Anacostia to Good Hope, which was referred to the Committee on the District of Columbia.

Mr. BURTON presented petitions of sundry citizens of Fremont, Ohio, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Territory of Hawaii, which were referred to the Committee on Pacific Islands and Porto Rico.

He also presented petitions of sundry councils, Royal Arcanum, of Sidney, Cincinnati, Bellevue, and Van Wert, all in the State of Ohio, praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mails as second-class matter, which were referred to the Committee on Post-Offices and Post-Roads.

Mr. HEYBURN presented a petition of Local Branch, Farmers' Educational and Cooperative Union of America, of Latah County, Idaho, praying for the enactment of legislation to prohibit gambling in farm products by boards of trade, exchanges, etc., which was referred to the Committee on Agriculture and Forestry.

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

He also presented a petition of the Eunice Sterling Chapter, of the National Society, Daughters of the American Revolution, of Wichita, Kans., praying for the retention and strengthening of the Division of Information of the Bureau of Immigration and Naturalization to the Department of Commerce and Labor, which was referred to the Committee on Immigration.

Mr. PILES presented a memorial of Local Grange No. 372, Patrons of Husbandry, of Rice, Wash., remonstrating against the passage of the so-called "Lafean bill," to fix the standard of capacity for the commercial apple box, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of South Fork Grange, No. 220, Patrons of Husbandry, of Boundary, Wash., and a petition of Spurgeon Creek Grange, No. 223, Patrons of Husbandry, of Olympia, Wash., praying for the enactment of legislation to establish a national bureau of health, which were referred to the Committee on Public Health and National Quarantine.

Mr. WETMORE presented a petition of Delphi Council, No. 7, Royal Arcanum, of Providence, R. I., and a petition of Rhode Island Council, No. 1255, Royal Arcanum, of Providence, R. I., praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mails as second-class matter, which were referred to the Committee on Post-Offices and Post-Roads.

Mr. BURNHAM presented petitions of sundry citizens of Portsmouth, N. H., praying for the passage of the so-called "eight-hour bill," which was referred to the Committee on Education and Labor.

Mr. DEPEW presented a petition of sundry citizens of Greece, N. Y., praying for the enactment of legislation to protect and conserve the natural resources of the country, which was referred to the Committee on Conservation of National Resources.

He also presented petitions of sundry local councils, Royal Arcanum, of New York City, Brooklyn, Hudson, Kingsbridge, and Astoria, all in the State of New York, praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mails as second-class matter, which were referred to the Committee on Post-Offices and Post-Roads.

Mr. PERKINS presented a petition of the Golden West Chapter of the National Society, Daughters of the American Revolution, of Santa Paula, Cal., praying for the retention and strengthening of the Division of Information of the Bureau of Immigration and Naturalization in the Department of Commerce and Labor, which was referred to the Committee on Immigration.

He also presented a petition of J. Holland Laidler Camp, No. 5, United Spanish War Veterans, Department of California, of Sacramento, Cal., and a petition of Richard J. Harden Camp, No. 2, United Spanish War Veterans, Department of California, praying that an appropriation be made for the raising of the wreck of the battle ship *Maine* and for the interment of those who perished in the wreck, which were referred to the Committee on Naval Affairs.

He also presented a petition of Local Council No. 1271, Knights of Columbus, of San Luis Obispo, Cal., praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mails as second-class matter, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. BRANDEGEE presented a petition of the Connecticut Association of Ex-Prisoners of War, praying for the enactment of legislation granting a pension of \$2 per diem to all honorably discharged ex-Union soldiers who were confined in confederate prisons thirty days or more, which was referred to the Committee on Pensions.

He also presented a petition of Local Council No. 1237, Royal Arcanum, of East Hartford, Conn., and a petition of Mattatuck Council, No. 713, Royal Arcanum, of Waterbury, Conn., praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mails as second-class matter, which were referred to the Committee on Post-Offices and Post-Roads.

Mr. PENROSE presented petitions of Warren Grange, No. 1025, of Warren; of Brooklyn Grange, No. 246, of Brooklyn; of Big Level Grange, No. 1376, of Mount Jewett; of East Sullivan Grange, No. 827, of Mansfield; of Lock Grange, No. 1094, of Waterford; of Allegheny Grange, No. 1208, of Cornplanter; of Paradise Grange, No. 854, of Reynoldsville; of Wilnot Grange, No. 512, of Wyalusing; of Richland Grange, No. 1202, of Richland; of New Milford Grange, No. 289, of Milford; of Sadsbury Grange, No. 1085, of Parkesburg; of Mitchells Mills Grange, No. 912, of Lawrenceville; of Rockland Grange, No. 1412, of Rockland; of Unity Grange, No. 1249, of Laceyville; of Aurora Grange, No. 874, of Wellsboro; of Northumberland Grange, No. 218, of Northumberland; of Meadow Grange, No. 1227, of Aurora; of Lorenton Grange, No. 1095, of Lloyd; of Eldorado Grange, No. 1393, of Eldorado; of German Grange, No. 785, of Smithfield; of Central Grange, No. 1916, of Coudersport; of Curfew Grange, No. 1052, of Smock; of Enterprise Grange, No. 1352, of Torrey; of Woodbury Grange, No. 7309, of Waterside; of Goshen Grange, No. 121, of Chester; of Penfield Grange, No. 1240, of Penfield; of Brandywine Grange, No. 60, of West Chester; of Locust Grange, No. 248, of Roaring Creek; of Center Road Grange, No. 502, of Conneautville; of West Granville Grange, No. 257, of Granville Summit; of Gravel Hill Grange, No. 1370, of Lebanon; of Pawnee Grange, No. 1375, of Amity; of Iona Grange, No. 272, of Towanda; of Tuscarora Grange, No. 774, of McCoyville; of Sugar Creek Grange, No. 1131, of Cooperstown; of Gibson Star Grange, No. 924, of Gibson; of Pleasant Union Grange, No. 549, of Kelley Station; of Port Matilda Grange, No. 1284, of Martha Furnace; and of Auditorium Grange, No. 19, of Kennett Square, all of the Patrons of Husbandry, in the State of Pennsylvania, and of Bellrun Grange, No. 1286, and of Ceres Grange, No. 1253, of Ceres, Patrons of Husbandry, in the State of New York, praying for the adoption of certain amendments to the present oleomargarine law, which were referred to the Committee on Agriculture and Forestry.

Mr. STONE presented a petition of the legislation committee of the Department of Missouri, United Spanish War Veterans, of St. Louis, Mo., praying for the enactment of legislation providing for the raising of the wreck of the battle ship *Maine* and for the interment of those who perished in the wreck, which was referred to the Committee on Naval Affairs.

He also presented a petition of the Buchanan County Medical Society, of St. Joseph, Mo., praying for the enactment of legislation to establish a national bureau of health, which was referred to the Committee on Public Health and National Quarantine.

He also presented a petition of the Merchants' Exchange of St. Louis, Mo., praying for the passage of the so-called "ship-subsidy bill," which was ordered to lie on the table.

He also presented a petition of Frank P. Blair Post, No. 1, Department of Missouri, Grand Army of the Republic, of St. Louis, Mo., in support of a bill granting an increase of pension to C. H. Frank, which was referred to the Committee on Pensions.

He also presented petitions of sundry chapters of the National Society, Daughters of the American Revolution, of St. Louis, Cape Girardeau, Macon, Richmond, Sedalia, and Rolla, all in the State of Missouri, praying for the retention and strengthening of the Division of Information of the Bureau of Immigration and Naturalization in the Department of Commerce and Labor, which were referred to the Committee on Immigration.

He also presented petitions of sundry councils, Brotherhood of Locomotive Engineers, of Milan, St. Louis, and Kansas City, all in the State of Missouri, praying for the passage of the so-called "boiler inspection and employers' liability bill," which were referred to the Committee on Interstate Commerce.

He also presented petitions of sundry unions, Farmers' Education and Cooperative Union, of Dexter, Licking, and Howell County, and of sundry citizens of Winona, St. Annie, and Pulaski County, all in the State of Missouri, praying for the enactment of legislation to prohibit gambling in farm products by boards of trade, exchanges, etc., which were referred to the Committee on Agriculture and Forestry.

He also presented petitions of sundry councils, Royal Arcanum, of St. Louis, Montrose, and Joplin, all in the State of Missouri, praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mails as second-class matter, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the More-Jones Brass and Metal Company, of St. Louis, Mo., praying for the enactment of only such additional railroad legislation as is absolutely neces-

sary and such as may be indorsed by the business interests of the country, which was referred to the Committee on Interstate Commerce.

REPORTS OF COMMITTEES.

Mr. WARNER, from the Committee on Military Affairs, to whom was referred the bill (S. 3196) granting to the board of trustees of Whitman College the lands embraced in the Fort Walla Walla Military Reservation for the purpose of aiding in the establishment and maintenance of an institution of higher learning in the Pacific Northwest, reported it with an amendment, and submitted a report (No. 459) thereon.

He also, from the same committee, to whom was referred the bill (S. 6795) granting to the board of trustees of Whitman College the lands embraced in Fort Walla Walla Military Reservation, moved that the bill be postponed indefinitely, which was agreed to.

Mr. GALLINGER, from the Committee on Naval Affairs, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to, and the bills were postponed indefinitely:

A bill (S. 4749) for the relief of Levi T. Safford, passed assistant engineer, United States Navy, retired (Report No. 460);

A bill (S. 4804) authorizing the President to nominate Lieut. Samuel Lindsey Graham, now on the retired list, to be a commander on the retired list of the navy (Report No. 461);

A bill (S. 1014) for the relief of John Thomas Power (Report No. 462);

A bill (S. 6588) for the relief of William Parsons Hayes (Report No. 463);

A bill (S. 5041) for the relief of Joseph Zittle (Report No. 464); and

A bill (S. 1051) to authorize the President to place Ensign John Tracey Edson on the retired list of the navy with the rank of lieutenant (Report No. 465).

He also, from the Committee on Naval Affairs, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 3670) for the promotion of Joseph A. O'Connor, carpenter in the United States Navy, to the rank of chief carpenter, and place him on the retired list (Report No. 466);

A bill (S. 1382) to correct the naval record of William Henry Beehler, and to authorize the President to appoint him a rear-admiral on the retired list (Report No. 467);

A bill (S. 5582) placing John W. Saville, passed assistant engineer, U. S. Navy, on the retired list with an advanced rank (Report No. 468); and

A bill (S. 2053) to transfer Capt. John Clarke Wilson from the retired list to the active list of the navy (Report No. 469).

Mr. DILLINGHAM, from the Committee on the Judiciary, to whom was referred the bill (S. 5457) to repeal section 3480 of the Revised Statutes of the United States, reported it without amendment and submitted a report (No. 470) thereon.

Mr. BURROWS, from the Committee on Naval Affairs, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to, and the bills were postponed indefinitely:

A bill (S. 2501) to correct the naval record of John Lindsay (Report No. 471); and

A bill (S. 546) to correct the naval record of William Lewis Holland (Report No. 472).

Mr. CARTER, from the Committee on the District of Columbia, to whom was referred the bill (S. 5581) to amend an act authorizing the Washington, Spa Springs and Greta Railroad Company, of Maryland, to enter the District of Columbia, with amendments, approved February 18, 1907, submitted an adverse report (No. 473) thereon, which was agreed to, and the bill was postponed indefinitely.

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

A bill (S. 4741) to amend the act of January 25, 1895, as amended by the act of March 3, 1901, relative to administration of oaths (Report No. 474);

A bill (S. 3781) to provide for the deposit in the Treasury of the United States of moneys unclaimed by next of kin, belonging to deceased inmates of the Naval Home or derived from the sale of their personal effects, and for other purposes (Report No. 475); and

A bill (S. 7166) to amend an act entitled "An act to promote the administration of justice in the navy," to amend section 1624 of the Revised Statutes, and for other purposes (Report No. 476).

He also, from the Committee on Naval Affairs, to whom was referred the bill (S. 7047) to provide for the administra-

tion of naval discipline in certain cases, reported adversely thereon, and the bill was postponed indefinitely.

Mr. BRISTOW, from the Committee on Claims, to whom was referred the bill (S. 647) for the relief of Marion B. Patterson, submitted an adverse report (No. 477) thereon, which was agreed to, and the bill was postponed indefinitely.

Mr. LODGE, from the Committee on Foreign Relations, to whom was referred the bill (S. 4378) for the relief of the contributors to the Ellen M. Stone ransom fund, reported it without amendment.

BILLS INTRODUCED.

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

By Mr. PAYNTER:

A bill (S. 7502) making appropriation for the preparation of statistics by the Commissioner of Internal Revenue concerning leaf tobacco in the hands of manufacturers of tobacco and dealers in leaf tobacco; to the Committee on Finance.

Mr. BROWN. For the senior Senator from Indiana [Mr. BEVERIDGE], who is necessarily detained from the Senate, I introduce a bill and ask that it be appropriately referred:

A bill (S. 7503) to amend an act entitled "An act to increase the limit of cost of certain public buildings, to authorize the enlargement, extension, remodeling, or improvement of certain public buildings, to authorize the erection and completion of public buildings, to authorize the purchase of sites for public buildings, and for other purposes," approved May 30, 1908, was read twice by its title and referred to the Committee on Public Buildings and Grounds.

By Mr. JONES:

A bill (S. 7504) to provide for an additional professor of mathematics in the navy; to the Committee on Naval Affairs.

A bill (S. 7505) granting an increase of pension to Jacob Casebere;

A bill (S. 7506) granting an increase of pension to Albert H. Jarnagin;

A bill (S. 7507) granting a pension to Maria L. Graves;

A bill (S. 7508) granting an increase of pension to George L. Myers;

A bill (S. 7509) granting an increase of pension to Alexander Heisen;

A bill (S. 7510) granting an increase of pension to Simeon Ferguson;

A bill (S. 7511) granting an increase of pension to Robert M. van Gilder;

A bill (S. 7512) granting an increase of pension to Hugh A. Smith; and

A bill (S. 7513) granting a pension to John B. Buckley; to the Committee on Pensions.

By Mr. DAVIS:

A bill (S. 7514) granting an increase of pension to William S. Gross; to the Committee on Pensions.

By Mr. BURTON:

A bill (S. 7515) granting a pension to Margaret O'Dell; to the Committee on Pensions.

By Mr. CLAPP (by request):

A bill (S. 7516) to repeal part of section 6 of the act approved July 1, 1898, and section 468 of the Revised Statutes (with an accompanying paper); to the Committee on the Judiciary.

By Mr. CULLOM:

A bill (S. 7517) for the relief of John Mullin; to the Committee on Claims.

By Mr. KEAN:

A bill (S. 7518) for the relief of H. E. Deats, assignee of H. E. Deats and Edward B. Sterling, a partnership doing business as Deats & Sterling; to the Committee on Claims.

By Mr. GALLINGER:

A bill (S. 7519) granting an increase of pension to Simon R. Marston (with accompanying papers); and

A bill (S. 7520) granting an increase of pension to Alice V. Daily (with an accompanying paper); to the Committee on Pensions.

By Mr. PILES:

A bill (S. 7521) granting an increase of pension to Harry M. Dunkin (with accompanying papers); to the Committee on Pensions.

By Mr. ALDRICH:

A bill (S. 7522) granting an increase of pension to Kate H. Searles (with an accompanying paper);

A bill (S. 7523) granting an increase of pension to Martin L. Sutherly (with an accompanying paper);

A bill (S. 7524) granting an increase of pension to Margaret A. Streeter (with an accompanying paper);

A bill (S. 7525) granting an increase of pension to Samuel J. Foster (with an accompanying paper);

A bill (S. 7526) granting an increase of pension to Harriett N. Crowell (with an accompanying paper); and

A bill (S. 7527) granting an increase of pension to Mary A. Rose (with an accompanying paper); to the Committee on Pensions.

By Mr. CURTIS:

A bill (S. 7528) to constitute intoxicating liquors a special class of commodities and to regulate the interstate-commerce shipments of such liquors; to the Committee on the Judiciary.

By Mr. DICK:

A bill (S. 7529) granting a pension to Martha E. Brown; to the Committee on Pensions.

By Mr. STONE:

A bill (S. 7530) granting a pension to Peter A. Teachout; A bill (S. 7531) granting a pension to Samuel W. Wilcoxon; and

A bill (S. 7532) granting an increase of pension to John B. Lowry; to the Committee on Pensions.

THE MERCHANT MARINE AND THE NAVY.

Mr. GALLINGER. I present a paper, being a prize essay, by Naval Constructor T. G. Roberts, U. S. Navy, on the merchant marine and the navy. I move that the paper be printed as a document (S. Doc. No. 466).

The motion was agreed to.

WAGES AND PRICES.

Mr. GALLINGER. I make a similar request for a paper taken from the Weekly Consular and Trade Reports, Bureau of Manufactures, Department of Commerce and Labor, March 19, 1910, on "British labor conditions and cost of living and the rates of wages and cost of living in Yarmouth, Nova Scotia." I ask that the paper be printed as a document (S. Doc. No. 465) and referred to the Select Committee on Wages and Prices, who are now considering that subject.

The VICE-PRESIDENT. Without objection, it will be so ordered.

EXTENSION OF SIXTEENTH STREET.

Mr. CARTER. I offer a resolution and ask unanimous consent for its present consideration.

The resolution (S. Res. 205) was read, as follows:

Senate resolution 205.

Resolved, That the Commissioners of the District of Columbia be, and they are hereby, directed to report to the Senate an estimate of the cost of extending the grading, macadamizing, and improvement of Sixteenth street to the Military road, and also from the Military road to the District line.

Mr. KEAN. Let me ask, Does that contemplate the widening of the road?

Mr. CARTER. It does not.

Mr. KEAN. Does not the Senator think that ought to be included?

Mr. CARTER. I understand the road has been made at full width along the line of the proposed extension.

The resolution was considered by unanimous consent and agreed to.

LIABILITY OF COMMON CARRIERS TO EMPLOYEES.

The VICE-PRESIDENT. The Calendar, under Rule VIII, is in order.

Mr. BROWN. I move that the Senate proceed to the consideration of the bill (H. R. 17263) to amend an act entitled "An act relating to the liability of common carriers by railroad to their employees in certain cases," approved April 22, 1908.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Nebraska.

Mr. BAILEY. On that I demand a division.

There were, on a division, ayes 5, noes 11.

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

The yeas and nays were not ordered.

Mr. LODGE. Mr. President—

The VICE-PRESIDENT. Does the Senator from Massachusetts rise to a parliamentary inquiry?

Mr. LODGE. I rise to a parliamentary inquiry.

The VICE-PRESIDENT. The Senator will state it.

Mr. LODGE. Has the morning business been concluded?

The VICE-PRESIDENT. The morning business is concluded, the calendar was taken up, and the Senator from Nebraska has moved to proceed to the consideration of a bill on the calendar.

Mr. LODGE. I understand that the motion is in order, under the rule, to take up any bill on the calendar at this time.

The VICE-PRESIDENT. The Chair so understands, and the Chair so rules.

Mr. BROWN. Let the title of the bill be read. I think the Senate does not fully understand what it is voting on.

The VICE-PRESIDENT. The Chair will again put the question on the motion of the Senator from Nebraska to consider

at this time a bill, the title of which will be read by the Secretary.

The SECRETARY. A bill (H. R. 17263) to amend an act entitled "An act relating to the liability of common carriers by railroad to their employees in certain cases," approved April 22, 1908.

Mr. BURROWS. Would it be in order to have the bill read? The VICE-PRESIDENT. It can be read for information.

Mr. BURROWS. I should like to have the bill read.

The VICE-PRESIDENT. Read for information?

Mr. BURROWS. Yes, sir.

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

The Secretary read the bill.

Mr. DIXON. I understand that the bill is now before the Senate.

The VICE-PRESIDENT. The bill is not before the Senate. The Senate has refused to consider the bill.

Mr. BROWN. I understood that the yeas and nays were demanded on the motion.

The VICE-PRESIDENT. The yeas and nays were demanded, but not a sufficient number seconded the demand.

Mr. LODGE. I was not aware that the demand had been put.

The VICE-PRESIDENT. It was put, and four Senators seconded the demand.

Mr. GALLINGER. I ask for the regular order.

Mr. HALE. The regular order.

The VICE-PRESIDENT. The regular order is the calendar.

Mr. BROWN. Mr. President, I rise to a parliamentary inquiry.

The VICE-PRESIDENT. The Senator from Nebraska will state it.

Mr. BROWN. Does a demand for the calendar displace a motion already before the Senate?

The VICE-PRESIDENT. The motion was rejected.

Mr. BROWN. The Chair undertook to put the motion again, and the bill was then read.

The VICE-PRESIDENT. The Chair put the motion, and a division was demanded, and upon that division the motion was negatived. Then a demand was made for the yeas and nays, and not a sufficient number seconded the demand. But four Senators indicated a second by raising the hand. Therefore the motion was lost.

Mr. BROWN. And then I suggested that the Senate did not fully know what it was voting upon.

The VICE-PRESIDENT. If there is no objection, the Chair will again put the question.

Mr. BAILEY. I object.

Mr. KEAN. Regular order!

The VICE-PRESIDENT. The regular order is called for, which is the calendar, under Rule VIII.

THE CALENDAR.

The VICE-PRESIDENT. The Secretary will announce the first bill on the calendar under Rule VIII.

The bill (S. 3724) regulating injunctions and the practice of the district and circuit courts of the United States was announced as first in order upon the calendar.

Mr. SMOOT. I ask that this bill and the two succeeding bills, Senate 1630 and House bill 12316, may go over.

The VICE-PRESIDENT. The first three bills on the calendar will go over.

The bill (S. 5485) to authorize the Secretary of the Interior to make temporary withdrawals of areas of public land pending report and recommendation to Congress or for examination and classification was announced as next in order.

Mr. SMOOT. I ask that the bill may go over.

The VICE-PRESIDENT. The bill will go over.

Mr. KEAN. Let all the other bills on the page be passed over.

The VICE-PRESIDENT. On the request of the Senator from New Jersey, Senate bill No. 5715, H. J. Res. 116, Senate bill 6737, House bill 19633, and House bill 18166 will be passed over.

The bill (H. R. 20370) authorizing the widening of First street NE, in the District of Columbia, was announced as next in order.

Mr. GALLINGER. Let the bill go over for the present.

The VICE-PRESIDENT. The bill will go over.

LIABILITY OF COMMON CARRIERS TO EMPLOYEES.

The bill (H. R. 17263) to amend an act entitled "An act relating to the liability of common carriers by railroad to their employees in certain cases," approved April 22, 1908, was announced as next in order.

Mr. HEYBURN. I move that the Senate proceed to the consideration of the bill (S. 7031) to codify, revise, and amend the laws relating to the judiciary.

Mr. BROWN. I call for the regular order.

The VICE-PRESIDENT. That is the regular order.

Mr. HEYBURN. I did not intend to shut out the bill the Senator from Nebraska has in charge. I withdraw my motion. I did not know we had reached it.

The VICE-PRESIDENT. The Secretary will read House bill 17263.

The Secretary read the bill.

The VICE-PRESIDENT. The bill is before the Senate as in Committee of the Whole and open to amendment.

Mr. BAILEY. I ask what is the parliamentary status of the bill?

The VICE-PRESIDENT. The bill was reached in regular order on the calendar, and it is now in Committee of the Whole and open to amendment.

Mr. GALLINGER. Under Rule VIII.

The VICE-PRESIDENT. Under Rule VIII.

Mr. BAILEY. Do I understand that the bill can be carried over by an objection?

The VICE-PRESIDENT. Certainly it can.

Mr. BAILEY. I take great pleasure in making that objection.

Mr. LODGE. Then I move to proceed to the consideration of the bill. That motion is in order.

The VICE-PRESIDENT. The Senator from Massachusetts moves that the Senate proceed to the consideration of the bill, the objection of the Senator from Texas to the contrary notwithstanding. The question is on agreeing to the motion.

The motion was agreed to and, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the Judiciary with amendments.

The amendments were, in section 1, page 2, line 5, before the words "the defendant," to strike out the words "either the plaintiff or;" and in line 6, after the words "shall be," to strike out the word "found" and insert "doing business," so as to make the bill read:

Be it enacted, etc., That an act entitled "An act relating to the liability of common carriers by railroad to their employees in certain cases," approved April 22, 1908, be amended in section 6 so that said section shall read:

"SEC. 6. That no action shall be maintained under this act unless commenced within two years from the day the cause of action accrued.

"Under this act an action may be brought in a circuit court of the United States, in the district of the residence of the defendant, or in which the cause of action arose, or in which the defendant shall be doing business at the time of commencing such action. The jurisdiction of the courts of the United States under this act shall be concurrent with that of the courts of the several States."

SEC. 2. That said act be further amended by adding the following section as section 9 of said act:

"SEC. 9. That any right of action given by this act to a person suffering injury shall survive to his or her personal representative, for the benefit of the surviving widow or husband and children of such employee, and, if none, then of such employee's parents; and, if none, then of the next of kin dependent upon such employee, but in such cases there shall be only one recovery for the same injury."

The amendments were agreed to.

Mr. BAILEY. Mr. President, I hardly think it a safe legislative practice to call up and attempt to pass a bill of this importance under these circumstances. I describe the circumstances according to the language of the Senator from Nebraska, who averred a few moments ago that Senators did not know what the bill meant. I concurred with him in that view when he expressed it, and I strongly concur in it now that the Senate has voted, by a large majority, to take up a bill of this character and proceed with its consideration in this way.

Mr. President, my first objection to considering this bill is that I have not had time to compare it with existing law, and I will ask one of the pages to bring me the volume of the Statutes at Large with the existing law in it, so that I may, even while on my feet, compare it. The first provision in it seems to be to establish or apply a statute of limitations. I should imagine that there was in the other law some limitation upon the time within which these actions might be brought. But if there were no time, or if there were a different time, I feel reasonably sure that two years is a shorter time than ought to be allowed.

Mr. BROWN. Mr. President—

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

Mr. BAILEY. I do.

Mr. BROWN. I think the Senator will find on an examination of the existing law that there is no change with reference to the limitation. The amendment simply repeats the existing law and adds to it with respect to the place where the suit is brought. The amendment does not go to the limitation, but to the venue.

Mr. BAILEY. Again emphasizing what I said a moment ago, Senators are called upon on an instant to consider a bill of this character and in this way. But I revert to the bill itself. Whether that limitation was contained in the original law or

there was no limitation, I think it too short. Still that is not a matter of such grave importance. The grave importance of this matter to me is that it seems expressly to confer upon the courts of the United States concurrent jurisdiction with the courts of the States.

Mr. President, if the railroad employees of this country are as wise as I think they are, and as much alive to their best interests, the time must inevitably come when they will be here demanding that the federal courts shall be stripped of this jurisdiction and these cases be allowed to proceed to trial in the local courts of the States where the action is brought.

Mr. DIXON. Mr. President—

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

Mr. BAILEY. I do.

Mr. DIXON. I am glad to hear the statement of the Senator from Texas. I have drawn an amendment to propose to the bill, which I had intended to offer at the proper time, expressly providing for citizenship. After the word "States," on page 2, line 9, I propose to add the following proviso:

Provided, That every common carrier by railroad subject to the provisions of this act shall be deemed a citizen of every State into or through which its line of railroad shall be constructed or extend.

Mr. BAILEY. That is excellent, so far as it goes.

Mr. DIXON. I think that cures the difficulty.

Mr. BAILEY. I fear not, because when an injured employee brings an action against a common carrier for damages the common carrier will file a petition to remove the case, alleging that it has a defense arising under the Constitution and laws of the United States, to wit, the act to regulate the liability of common carriers in these cases, and the federal court will hold, in my opinion, that the railroad is entitled to remove these cases from the state courts into the federal courts.

Mr. DIXON. If this amendment is adopted, it makes the railroad company a citizen.

Mr. BAILEY. That only reaches the question of diverse citizenship, and undoubtedly cures it in that respect, but still leaves open the appeal of the common carrier for a transfer of the case to a federal court upon the ground that the recovery in the case involves a construction of a federal statute.

Mr. BORAH. Mr. President—

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

Mr. BAILEY. Very cheerfully.

Mr. BORAH. The amendment which has been proposed in the latter portion of section 6 was necessitated, if that term can be properly used, by reason of a decision of the supreme court of the State of Connecticut. My individual view is that the law is now as the amendment attempts to make it—that is to say, that both the federal and state courts have jurisdiction of this matter—concurrent jurisdiction.

Mr. HALE. What was the substance of that decision?

Mr. BORAH. The decision of the Connecticut court was to the effect that the state court did not have concurrent jurisdiction with the federal court over these cases.

Mr. HALE. That is, under the federal statute?

Mr. BORAH. Yes. As I understand the law, unless there is a clause prohibiting or inhibiting the state court it always has concurrent jurisdiction with the federal courts in such a subject-matter as this. The report cites a number of authorities to this effect. But the supreme court of Connecticut refused to assume jurisdiction or to take jurisdiction of the matter, though the well-established legal principle seems to be absolutely different. I do not believe this amendment is necessary. I believe it is thoroughly established that the federal courts and the state courts have concurrent jurisdiction. But in order to avoid courts being misled upon this proposition this specific provision is thought to be necessary in the law.

Mr. BAILEY. Mr. President, some of the States of the Union have laymen on their highest benches, and I am almost led to believe that Connecticut has appointed such, without intending to do so. It is amazing to me that any court in this country would hold that a suit of this kind could not be prosecuted in a state court. Indeed, sir, I will take this occasion to express my surprise that the Supreme Court of the United States has not held that these matters can be regulated only by state legislatures, and are cognizable generally in state courts.

Mr. HALE. That is what it ought to do.

Mr. BAILEY. I venture to say that ultimately that is what it will hold, or else they will be driven to hold finally that under the commerce power of the Constitution Congress can regulate everything pertaining to the railroads.

Mr. HALE. Mr. President—

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

Mr. BAILEY. I do.

Mr. HALE. I agree fully with the Senator. There is not any halfway ground. The whole proposition is an encroachment upon the rights of the States as the law is administered by state courts. Concurrent jurisdiction with the privilege of removal and the claim of removal will belittle every right of the State, and at last, when the whole question is presented, the Supreme Court will be forced to a decision that either grasps the whole subject and aggrandizes the federal power and jurisdiction at the expense of state power and jurisdiction, or it will, as I should hope it might, come to the other decision—that this matter should be and must be, as it ought to be, left to state jurisdiction.

To me, Mr. President, it is offensive, whether in this bill by amendment or in the act that is sought to be amended, that a line of descent and of inheritance as to avails of an action shall be established by Congress. Every State has its statute of inheritance and descent, and when a verdict shall recover money that fund ought to be subject to the line of descent and inheritance established by the State, and by none others. If you could establish a line of inheritance and descent as to damages recovered on a verdict, you could establish a line of descent upon wages that are due to an employee of an interstate corporation, and you might declare that the wages and the balance due for labor when recovered shall be subject not to the statute of descent and inheritance of the State, but of a statute established, giving federal jurisdiction over it.

Say what you please, Mr. President, but the whole object, the whole purpose, I am sorry to say, of the old statute, as well as of this, is to set up this new assumption on the part of the federal authority and to rob the State of certain jurisdiction. I am sorry to say that legislation is proceeding altogether too much, in my judgment, Mr. President, in that direction.

Mr. BROWN. Mr. President—

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

Mr. BAILEY. In a moment. I first want to express my gratification to find New England coming to the states-rights view of this Government.

Mr. GALLINGER. Which the South has abandoned.

Mr. BAILEY. Mr. President, I acknowledge the justice of that criticism in a large degree, but this part of the South has not abandoned it. I am not surprised, however, Mr. President, that New England should come to embrace the states-rights doctrine. In the days of her power it was natural that she should have no fear of law in the making of which she exercised a controlling influence; men seldom fear to trust themselves; but in the progress of events, when her children have sought homes in the Middle West and in the farther West, as she sees the scepter of power passing from her hands to another section of the Union, she then begins to realize how necessary it is to invoke those ancient protections, which alone can make a minority secure against the will and, sometimes, the injustice of a majority. Possibly, if they could find a time when they could be reformed as to some other views of this Government—the Senator from Rhode Island [Mr. ALDRICH], who does me the honor to hear me now, understands that I refer to the tariff question, which does not seem to be so much of a New England question as it was aforesaid, if we may judge by recent election returns—Mr. President, if New England could be reformed in that particular—and she seems to be reforming—I should be hopeful that the time would come when we could make them good Democrats again.

There were in the old days as good Democrats in New England as ever cast a vote for Andrew Jackson or Thomas Jefferson. They were not so numerous there as they were in some other sections; they were not so numerous there as I hope they will be hereafter; but as surely as the progress of events produces results, just that surely the people of New England are sooner or later to become among the staunchest advocates of state rights. The fact that the power has passed from them to us will not alter my position in that regard. I think it is just as dangerous to trust my near neighbor without restraint to legislate upon my inalienable and fundamental rights as it is to trust one farther removed from my community. It is never safe, Mr. President, to trust anybody in any section of this Republic with power to so legislate as to destroy the States of this Union, because without these States there can be no Union, and the preservation of the States, sir, should be the first concern of those who intelligently cherish the Union.

Mr. President, I am not surprised that this legislation has proceeded to such an extent as to provoke a protest from one of the most experienced and one of the ablest among the New England Senators. Not only have we gone to the extent of prescribing the rule of action in cases of personal injury, but

we have assumed the further power, never conferred on us by the Constitution, to distribute the proceeds of the recovery. Under this law two different rules of recovery can be applied to two American citizens injured in the same accident, and the recovery secured under different rules may be differently distributed.

For instance, if a train of cars 20 in number, according to this modern doctrine, should be made up wholly within a State and should be disbanded wholly within a State, if 19 of those 20 cars should be loaded with produce solely of that State, taken up within it, to be laid down within it, yet, sir, if in that twentieth car there was a twentieth part of its contents which had been shipped from another State into that State, under these modern decisions, everybody employed in the operation of that train would be subject to the jurisdiction of the Federal Government and to the federal statutes; in other words, with ninety-nine one-hundredths of the train loaded with purely intrastate commerce, the presence of one one-hundredth part of interstate commerce would make every man operating that train subject to federal control. Who believes that to be sensible or just? Who believes that that was ever intended by the wise men who framed this Constitution?

Sir, they have carried that commerce clause to a point not only where it includes commerce, where it includes the instrumentalities of commerce, but they have invoked this power to regulate purely domestic control, which every State possesses, over those questions which affect the life and safety of its own people. That you may well have your interstate-commerce law provide for the safe transit of commerce I concede. If there be an honest purpose to remove obstructions from interstate commerce, if there be an honest purpose to insure the safe delivery of those subjects of commerce, then I freely concede the power of the Federal Government to act; but I utterly deny the power of the Federal Government to pass any law designed to merely insure the safety and to protect the life and limb of those employed by these common carriers. That is a matter always and forever resting with the States and never conferred on the Federal Government.

I have no hope that the Supreme Court will return to the old view. They have probably gone so far that they can find no stopping place. They have extended the power from commerce to the instrumentalities of commerce, and now they must extend it, I fear, from instrumentalities to cover every kind of control. When that happens, Mr. President, there will not be an injury suffered by any man in the operation of any train within the domain of the United States that will not be subject to federal jurisdiction, and can not be made cognizable in a federal court, because it is inconceivable at this time that you could make up a train without somewhere in some one of its cars should be found at least a small parcel committed to interstate commerce.

Mr. President, when this original act was before this Congress I insisted that the furthest we ought to go—and it will in time be disclosed that that was the sensible view—that the furthest we ought to go was to pass an act requiring the federal courts, whenever they obtained jurisdiction of one of these personal-injury cases, to apply in the decision of it not only the statutes of the State, but the doctrine as announced by the highest courts of the State in which the action was to be determined. Until the decision in the case of John Ball, I believe it was, against the Baltimore and Ohio Railroad we had always supposed that that was the rule of decision; but in that case the court held a different doctrine. It held that, notwithstanding the relation of master and servant had been sharply and accurately defined by the supreme court of the State of Ohio, the federal court, sitting in that State and hearing a case on an accident arising in that State, was still not compelled to observe the law of that State as announced by its highest tribunal. Following that came the other cases, and following them came the demand for this law. Of course, under these decisions there ought to have been some statute, because the doctrine of fellow-servant, as it had grown up under the common law, matured almost entirely before the introduction of railroads, and was altogether too harsh to be adapted to our modern civilization.

That some amendment and some improvement of that law was demanded by the highest considerations of humanity and justice every man recognized; and when I put it to those who had charge of the bill why they were not willing to write a statute of four lines, adding to the statute which now requires the federal courts in the decision of all of these cases to apply the statutes of the States the further requirement that they add the rules announced by the highest judicial tribunal of that State, their answer was that there were some States that had not and would not modify the common-law doctrine of fellow-

servant. I answered them then, as I say now, that it was infinitely better to give the people of 41 or 42 States, which have an enlightened fellow-servant law, the protection of that law in federal as well as in state courts and leave them to have their cases adjudicated in the state courts than it was to send them to the federal courts. Much as I would regret to see the people of any State in this Union denied the benefit of an enlightened fellow-servant law, I would rather leave the people of that State to suffer the injustice inflicted upon them by their own legislature than to carry the people of all the other States to distant, and sometimes unfriendly, federal courts.

Mr. President, to require the average laboring man to litigate his case in the courts of the United States is to deny him justice in many cases.

Mr. LODGE. Mr. President, will the Senator allow me to ask him a question?

The PRESIDING OFFICER (Mr. CUMMINS in the chair). Does the Senator from Texas yield to the Senator from Massachusetts?

Mr. BAILEY. I do.

Mr. LODGE. Does the Senator understand that this bill amending the existing law deprives the state courts of jurisdiction?

Mr. BAILEY. I find that it does not; but what I am saying now is that we ought to deprive the federal courts of jurisdiction; and I shall attempt that before we dispose of this measure.

Mr. LODGE. If the Senator will allow me, I understand and appreciate his criticisms of the original act now upon the statute books; but does the bill that is now before us tend to cut out the state courts?

Mr. BAILEY. No; but I am making an argument in support of an amendment which I intend to submit to cut out the federal courts.

Mr. LODGE. I see.

Mr. BAILEY. In other words, I am going to take this bill—I had not seen it until it came in here—

Mr. CLAY. Will the Senator allow me to call his attention—

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

Mr. BAILEY. I do.

Mr. CLAY. I agree with the argument the Senator is making, but I think, after he examines this bill, he will find that the original law does not say anything about the state and federal courts having concurrent jurisdiction.

This amendment, I think, is doubtless drawn to meet some decisions of certain state courts, which have held that the federal courts alone have jurisdiction. Really it strikes me that this amendment as drawn is more favorable to the employees than the original act.

Mr. BAILEY. It is more favorable than the original act as misinterpreted by the supreme court of the State of Connecticut. I thoroughly agree with my friend from Georgia to that extent. But, Mr. President, I intend not only to reverse the supreme court of Connecticut, if I can have the assistance of enough Senators, but I intend to go further and take out of this bill the express provision that injured employees may be required to litigate in the federal courts.

Mr. LODGE. Mr. President—

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

Mr. BAILEY. I do.

Mr. LODGE. I have never read the bill carefully until today; but does this bill require the injured employee to bring his action in the federal court?

Mr. BAILEY. Oh, no; but if he should bring it in a state court, the common carrier could then remove it to a federal court by filing a petition for removal, setting up the fact that it had a defense arising under the Constitution and laws of the United States.

Mr. LODGE. The amendment seems to be an improvement on the existing law.

Mr. BAILEY. I think the amendment is an improvement on the existing law as construed by a certain court. I have not studied the amendment. Nobody can be familiar with all the bills pending, for there have been 40,000 bills introduced at this session of Congress, and how can any man have an idea of one one-hundredth part of them? The first Congress that convened under the Constitution of the United States had less than 300 bills, and almost every one of them a good bill.

Mr. HALE. Mr. President—

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

Mr. BAILEY. In a moment; I want to complete the statement. The power of the Federal Government has been ex-

panded and expanded, as is the case under this very bill, until now it is breaking down under the weight of a task impossible for any government on this earth to perform. Not only is the General Government itself breaking down, but all of those who serve the General Government find it impossible intelligently to discharge their duties, because their duties are so multitudinous and complex. Now, I will hear the Senator from Maine.

Mr. HALE. Mr. President, I am entirely with the Senator from Texas, and I was interested in the Senator's allusion to an amendment which he proposes to offer, which I suppose will prevent this further aggrandizement and will retain some of the jurisdiction and power of the States. Has the Senator offered his amendment, or is it prepared?

Mr. BAILEY. No; I have not yet committed it to writing. I have been trying as I am discussing this bill to learn something about it. It was about to pass without, as I supposed, any sufficient explanation; but, as I have glanced at it in the progress of my remarks, I have been trying to find just exactly where would be a good place to offer the amendment.

Mr. HALE. Mr. President, I have had the same experience that the Senator from Texas has had. The bill itself in its scope and its range was a surprise and was new to me. I found, as I looked at it and read it and compared it with the old statute, that my feeling—and I suppose the Senator from Texas has gone through the same mental process—kept growing against it all the time. I would welcome something that would relieve the bill from this feature, which, of course, would make it a very different bill from what it is now, and I trust that the bill will not be pushed to the extent of depriving Senators of an opportunity of further studying the measure and putting into form some amendments that will test the sense and feeling of the Senate as to whether anything can be done to stop this apparent resistless and overwhelming sea that gradually is destroying all the landmarks of state jurisdiction and state rights. Now we have an opportunity of presenting that question, and nobody can present it in form better than the Senator from Texas if he has time to elaborate his amendment.

Mr. BAILEY. Mr. President, to my mind there is nothing clearer than that to regulate the right of an employee of a common carrier to recover for damages in personal-injury cases is a matter of police power, to be dealt with by the States, and not a matter of commerce between the States, to be dealt with by the General Government. We all know, Mr. President—even as busy as we are in this day we have still had time to learn—that the purpose in conferring on the General Government the power to regulate commerce among the several States and with foreign nations was to prevent the countervailing restrictions, the vexatious ordinances, and the discrimination which sometimes existed under the Articles of Confederation.

Not only was it the purpose to prevent these things among the States, but, recognizing that our relation to the balance of the world was the relation of the whole instead of the relation of each part, they conferred upon Congress power to regulate interstate commerce; but it was never dreamed by any man who advocated clothing Congress with that power that under it and by virtue of it Congress would assume to regulate actions sounding purely in damages, actions bearing absolutely no relation to commerce between the States or with foreign nations.

Take an instance of this kind: One of the great railroad systems in my State has three divisions in it. Suppose that a train is made up at Cleburne, every car in it being put into that train at Cleburne, it matters not whether they come from outside and are loaded with interstate commerce or not. The crew takes charge of that train there; the crew are all citizens of Texas, and they carry it to Temple, where their run ends. They begin in the State of Texas to operate that train, and they end their run in the State of Texas; they are citizens of the State of Texas, every one of them, and it is absurd to say that if they are injured about their employment it is a case for the federal regulation of interstate commerce.

Mr. HALE. Mr. President, I take it—

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

Mr. BAILEY. I do.

Mr. HALE. I take it that the State of Texas is equipped with ample paraphernalia, of course, to see that the rights of the citizens of Texas, as described by the Senator, are amply cared for.

Mr. BAILEY. Yes.

Mr. HALE. It is not even the case of the modern proposition, to which I do not accede, that if the State is careless and does not provide for a matter, that is a reason why the Federal Government should do so. It is not even that case.

I was going to say to the Senator that some of us would like to examine this matter further. I do not wish to interfere

with the Senator from Texas now, but if the Senator in charge of this bill, at the close of the remarks of the Senator from Texas, will let it go over, to come up to-morrow in the morning hour, I think it would be well. I inquire whether that would be satisfactory to the Senator from Texas, not to interfere with his remarks now?

Mr. BAILEY. Mr. President, that would really serve the purpose for which I am speaking. I am speaking to carry this bill over, so that I may have time to examine it, and if the Senator in charge of the bill will let it take that course I will be entirely satisfied.

Mr. LODGE. Mr. President, before the Senator from Texas—

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

Mr. BAILEY. I want to say before I am interrupted with any other statement that I have not engaged in what is commonly understood to be a filibuster. I simply want time to examine the bill before I vote.

Mr. LODGE. Mr. President, of course I do not want to interfere with that; I think that is an entirely proper request, but I wanted to ask the Senator a question in this connection. As I understand the amendment now before us, it is to make concurrent the jurisdiction of the state courts beyond any doubt. The Senator was referring to the decision in Connecticut. I have been looking over the report of the committee on this bill, and I find this:

It is well settled that the power of Congress to regulate interstate commerce under the provisions of the Constitution before mentioned is plenary and includes the power to prescribe the qualifications, duties, and liabilities of employees of railway companies engaged in interstate commerce, and any legislation by Congress on such subject supersedes any state law upon the same subject. (Railway Co. v. Alabama, 128 U. S., 99; Howard v. Railway Co., 207 U. S., 463.)

The constitutional right of Congress to legislate upon this subject having been exercised by that body, the right of the State to invade this field of legislation ceased, or, at all events, no act of a state legislature in conflict with the act of Congress upon the same subject can be held valid. The supreme courts of Missouri and Wisconsin, in passing upon the validity of statutes of said States similar to the act we are considering, hold such statutes void upon the ground of conflict with the act of Congress before mentioned. (State v. Mo. Pac. Ry. Co., 111 S. W., 500; State v. C., M. & St. P. Ry. Co., 117 N. W., 686.)

It seems to me that there again a state court is declining jurisdiction.

Mr. BAILEY. Mr. President, we have several courts of civil appeals in Texas. Some are wise and some are otherwise.

Mr. LODGE. That, of course, I know nothing about, but it seems to me that there is another case of a state court declining jurisdiction, not quite on all fours with the extremity of the Connecticut decision, but tending in that direction.

Mr. BAILEY. But, Mr. President, the answer to that is this: If congressional power supersedes the state power when congressional power is exercised, then, according to the old rule, the States might have exercised the power until Congress acted; but the modern rule holds that whenever a question is within the power of Congress and Congress does not act, the States are still incapable of acting. The whole result of that doctrine would be that unless Congress acted there would be no law on the subject.

Mr. BORAH. Mr. President—

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

Mr. BAILEY. Certainly.

Mr. BORAH. I desire to say, in behalf of the decision of the Texas court, that the Texas court did not decline jurisdiction of the case. The Texas court did not hold that it did not have concurrent jurisdiction with the federal court. It simply held that in the cause of action it must look to the rule established by the act of Congress, however the state court would construe and apply that statute in a state court. It did not decline jurisdiction of the case.

Mr. BAILEY. That must have been decided by one of our courts of appeal that was wise. I should say it is the duty of the state court to decide the case under a federal statute just as it is the duty of a federal court to decide a similar case under a state statute.

But I will be glad to have the bill go over until I can examine it.

Mr. BROWN. I should be glad to accommodate my friend, the Senator from Texas. I should like him to read the bill that is now before the Senate.

Mr. BAILEY. This bill?

Mr. BROWN. The Senator is always interesting, but his address this morning has been about almost everything else than the pending amendment. I think if we will let the bill go over until to-morrow morning he will come in and accede to the pending amendment. I am certain he will.

Mr. BAILEY. I have no doubt in the world that the amendment is an improvement on existing law. I have developed enough, as I have been occupying the floor, to satisfy myself of that. I have very grave doubts as to the wisdom, not to say constitutionality, of the original law. I shall be very thankful, when this matter is up again, if the Senator from Montana can secure the adoption of his amendment, and if we can secure the adoption of a further amendment, we can improve the existing law still more. I hope the Senator from Montana will have his amendment printed in the RECORD.

Mr. DIXON. With the permission of the Senator from Texas, I ask unanimous consent to have the proposed amendment which I suggested a while ago printed in the RECORD and have it regarded as the pending amendment to the bill.

The PRESIDING OFFICER. The Senator from Montana offers an amendment to the bill, which the Secretary will state.

The SECRETARY. On page 2, line 9, after the word "States," insert the following:

Provided, That every common carrier by railroad subject to the provisions of this act shall be deemed a citizen of every State into or through which its line of railroad shall be constructed or extend.

The PRESIDING OFFICER. The amendment offered by the Senator from Montana will be printed and lie on the table. As the Chair understands, the Senator from Maine asked unanimous consent that the bill be laid aside until to-morrow morning.

Mr. HALE. To be taken up after the routine morning business.

The PRESIDING OFFICER. To be taken up after the morning business.

Mr. HALE. To be taken up after the routine morning business.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. PAYNTER subsequently submitted an amendment intended to be proposed by him to the bill (H. R. 17263) to amend an act entitled "An act relating to the liability of common carriers by railroad to their employees in certain cases," which was ordered to lie on the table and be printed in the RECORD, as follows:

Every action under this act shall be brought and tried in the state courts in which it arose, and the venue of the action shall be regulated by the statute or code of practice in the State where the action is brought.

REVISION OF LAWS—JUDICIARY TITLE.

The PRESIDING OFFICER. The calendar is in order.

Mr. HEYBURN. I ask unanimous consent that the Senate proceed to the consideration of the bill (S. 7031) to codify, revise, and amend the laws relating to the judiciary.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Idaho? The Chair hears none.

Mr. GALLINGER. I ask the Senator from Idaho to yield to me for a moment.

Mr. HEYBURN. Certainly.

BRANCH LIBRARY AT TAKOMA PARK.

Mr. GALLINGER. Mr. President, in my absence from the Chamber yesterday two messages from the House of Representatives communicating amendments to Senate bills 4624 and 5252 were referred to the Committee on the District of Columbia. I had intended, had I been present, to move that the Senate concur in the House amendments. From the Committee on the District of Columbia I now report back those bills.

The PRESIDING OFFICER. The amendments of the House will be stated.

The amendments of the House of Representatives to bill S. 4624 were, on page 1, line 5, to strike out "exceeding" and insert "less than;" and on page 2, line 11, after "use," to insert:

And provided further, That the appropriation for such expenses shall not exceed in any one year the sum of 10 per cent of the total cost of such building.

Mr. GALLINGER. I move that the Senate concur in the amendments made by the House of Representatives.

The amendments were concurred in.

FORTY-FIRST STREET NW.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 5252) to authorize the closing of a part of Forty-first street NW., in the District of Columbia, and for other purposes, which was, in line 10, after "thereon," to insert:

Provided, however, That nothing in this act shall destroy the easement for a street by dedication or otherwise which the District of Columbia now has over the property hereby affected, but that such easement shall survive and revive at any time hereafter when this property shall no longer be used for religious or educational purposes as it is now used.

Mr. GALLINGER. I move that the Senate concur in the amendment made by the House of Representatives. The motion was agreed to.

MONONGAHELA RIVER BRIDGE.

Mr. OLIVER. If the Senator from Idaho will yield, I should like to ask unanimous consent to call up a brief bridge bill.

The PRESIDING OFFICER. Does the Senator from Idaho withhold his request for unanimous consent for the purpose indicated by the Senator from Pennsylvania?

Mr. HEYBURN. I already have unanimous consent, and I will yield to the Senator from Pennsylvania if I may do so under the rules.

Mr. OLIVER. I ask unanimous consent that the Senate proceed to the consideration of the bill (H. R. 22369) to amend an act entitled "An act to authorize the construction of a bridge across the Monongahela River, in the State of Pennsylvania, by the Liberty Bridge Company," approved March 2, 1907.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to amend section 2 of the act referred to so as to make it read as follows:

Sec. 2. That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed within three years from March 15, 1910.

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

REVISION OF LAWS—JUDICIARY TITLE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 7031) to codify, revise, and amend the laws relating to the judiciary.

Mr. HEYBURN. We had been considering section 123. Was that passed over?

The PRESIDING OFFICER. It was passed over. The Secretary will resume the reading of the bill.

The Secretary read as follows:

Sec. 124. A term shall be held annually by the circuit courts of appeals in the several judicial circuits at the following places, and at such times as may be fixed by said courts, respectively: In the first circuit, in Boston; in the second circuit, in New York; in the third circuit, in Philadelphia; in the fourth circuit, in Richmond; in the fifth circuit, in New Orleans, Atlanta, Fort Worth, and Montgomery; in the sixth circuit, in Cincinnati; in the seventh circuit, in Chicago; in the eighth circuit, in St. Louis, Denver or Cheyenne, and St. Paul; in the ninth circuit, in San Francisco, and each year in two other places in said circuit to be designated by the judges of said court; and in each of the above circuits, terms may be held at such other times and in such other places as said courts, respectively, may from time to time designate: *Provided*, That terms shall be held in Atlanta on the first Monday in October, in Fort Worth on the first Monday in November, in Montgomery on the third Monday in October, in Denver or in Cheyenne on the first Monday in September, and in St. Paul on the first Monday in May.

Mr. KEAN. I should like to ask the Senator from Idaho whether the clause which has just been read would allow a term of the court to be held in Trenton, the third circuit?

Mr. HEYBURN. No.

Mr. KEAN. I am sorry to know that.

The reading of the section was resumed and continued, as follows:

All appeals, writs of error, and other appellate proceedings which may be taken or prosecuted from the district courts of the United States in the State of Georgia, in the State of Texas, and in the State of Alabama, to the circuit court of appeals for the fifth judicial circuit shall be heard and disposed of, respectively, by said court at the terms held in Atlanta, in Fort Worth, and in Montgomery, except that appeals or writs of error in cases of injunctions and in all other cases which, under the statutes and rules, or in the opinion of the court, are entitled to be brought to a speedy hearing may be heard and disposed of wherever said court may be sitting. All appeals, writs of error, and other appellate proceedings which may hereafter be taken or prosecuted from the district court of the United States at Beaumont, Tex., to the circuit court of appeals for the fifth circuit, shall be heard and disposed of by the said circuit court of appeals at the terms of court held at New Orleans.

Mr. BACON. I beg the Senator's pardon. I have not kept up exactly with the progress of the reading of the bill. I do not know how far the Senator wants definite action at this time.

Mr. HEYBURN. This is a long section, and the Clerk is merely reading the section through. This section states in concise language the existing law as to the place of holding the terms of the circuit court of appeals.

Mr. BACON. Yes.

Mr. HEYBURN. The Senator will find on page 325 the existing law with reference to the States—

Mr. BACON. I desire to state to the Senator that I had a twofold purpose in the interruption. It seems from what the Senator has said that they do not directly relate to the section under consideration, but I may as well state them now. One is in reference to the district court in Alabama. As I understand, the existing law in that State is changed. In

Alabama there are three districts and three federal district court judges. One of them, however, is a judge in two districts; and they do not desire that change, for reasons which have been explained to me in letters written to me as a member of the Judiciary Committee. I submitted the matter to the two Alabama Senators, and I speak not only upon the basis of what has been written to me, but by authority of those two Senators, as to the desire of the Senators and of the bar and of officials in Alabama that the present status should be retained.

I understand this bill changes it and makes each of these judges a judge of a particular district; whereas under the present law there are judges in two districts, each of whom is confined to his district, so far as his jurisdiction goes; but as to the third judge, he is judge of two districts, and they wish that status to remain.

Mr. HEYBURN. That would refer to the district judges.

Mr. BACON. I know that, and I am not seeking to stop the Senator; but I simply wanted to call attention to it now, because it might come up some time when I might not be present or even the Senators from Alabama.

Mr. HEYBURN. The committee does not contemplate changing the existing status.

Mr. BACON. The bill as reported does change it, if I am not mistaken. I am very sure it must be so, because I have had letters from officials in Alabama on that subject, written to me, as I say, as a member of the Judiciary Committee. I have submitted those letters to the Senators from that State, and they approve of them.

The other object, however, which I had in arresting the reading was to call the attention of the Senator in charge of the bill to an important matter about which there will be controversy. As to it, I now desire to register the request that it may not be acted upon without due opportunity for everyone to be heard; and that is on the question of the jurisdiction of the judges of the circuit courts, which under the present bill, as I understand, is to be materially changed in the fact and to the effect that the original jurisdiction of the circuit court judges is to be taken from them and all original jurisdiction vested in the district judges, the circuit judges being limited in their functions to their work on the court of appeals.

So far as that is concerned, I am satisfied it is a matter which will require a great deal of discussion and consideration; and my information from various parts of the United States, not from my section only, is to the effect that the bar of the country and the judges of the country are in a large measure greatly opposed to that change, in the fact that it would destroy the flexibility of the judicial system of the United States as it has existed from the foundation of the Government.

I have this morning a letter from a very eminent circuit judge, setting out in detail the reasons why that change is greatly to be deprecated. I do not wish to start the discussion now, and will not ask that it be done, but the importance of it, I think, justifies me in calling attention to it now, in order that in the progress of this bill, which is largely considered, as every one knows, by only a handful of Senators, it may not be disposed of without due opportunity for full consideration and discussion.

Mr. HEYBURN. Under the plan of this legislation the question of the jurisdiction of the circuit court will not come up for consideration except in connection with the consideration of the jurisdiction of the district court, which is invested with the jurisdiction of a circuit court, a negative proposition. So in considering the jurisdiction of the district court all the questions suggested by the Senator from Georgia may be properly, of course, considered.

Mr. BACON. With the permission of the Senator, I will inquire of him whether the part of the bill which is now being presented (not the immediate part, so far as relates to the terms of the court, but the part which relates to the circuit court of appeals) in limiting, as it does, the jurisdiction of the circuit court judges to work upon that court, will not be very material to be considered in connection with the suggestion I have made, because the object I have is not to limit them to that court.

Now, so far as concerns the merger of the circuit and district courts, that may be accomplished without violating the great principle which I wish to see preserved—and I think I am one of the least in the expression of that wish, if I may judge from the letters I have received. In other words, the circuit judges may still have a right to sit in those courts.

It may be true, and I am not prepared to say that it is not true, that in the development of our judicial system the time has come when the circuit courts and the district courts should be merged, but that does not involve the necessity that the

circuit court judges should be deprived of the right to exercise jurisdiction in that original court, whatever it may be called, whether a district or circuit court. That is the great principle.

Mr. HEYBURN. I think perhaps the Senator was absent on a former occasion when this matter was under consideration. If he will turn to section 18, page 9, of the bill, he will find this provision, which is to be taken into consideration in connection with section 180, I think it is; I will determine the exact number later. Section 18 provides:

SEC. 18. Whenever, in the judgment of the senior circuit judge of the circuit in which the district lies, or of the circuit justice assigned to such circuit, or of the chief justice, the public interest shall require, the said judge, or associate justice, or chief justice, shall designate and appoint any circuit judge of the circuit to hold said district court.

That was intended and was made necessary to cover the only remaining contingency where any vacancy could occur.

Mr. BACON. It is not a question of vacancy.

Mr. HEYBURN. I do not refer to vacancy in that sense. I mean wherein the only condition could arise where there was no judge absolutely entitled to hold court.

Mr. BACON. That does not reach the question at all. The great desire of those for whom I speak now—I do not know that I speak for a majority, because it is difficult to say that with so extensive a membership as that of the bar of the country and the judges—but the contention of those whose views coincide with mine in this matter goes much further.

They desire to preserve the present flexibility of the judicial system of the United States, by which a justice of the Supreme Court or a judge of the circuit court may, without having been assigned to it by anybody, take original jurisdiction, within certain areas, which are prescribed, as they are now, in the several circuits—nine circuits—of any cause, where, in his judgment, the public interest and the advancement and promotion of justice may require. It is a great system as it exists. It has existed for over a hundred years, from the first original judiciary act. It is one with which our bar and our courts are familiar. So far as I am able to judge from the testimony furnished me by those who have written to me on the subject, it is one they do not desire to see abandoned.

To repeat, I do not wish to arrest present consideration of the bill by a discussion on this subject. My only purpose was to call attention to it in order that it may come up in its place some time when the matter may be fully considered by more than simply the handful of Senators who generally attend this discussion.

Mr. HEYBURN. The subject is not an inappropriate one now. It is one that is appropriate to the consideration of any part of this bill, because it is based upon the proposition of eliminating the circuit court. Under existing law a Supreme Court justice sits, or may sit, in the circuit court. Since the organization of the circuit court, in the sixties—1864, I think—the justices of the Supreme Court have not sat in the district courts, but in the circuit courts. Now we propose to abolish the circuit court, but we establish another court, the circuit court of appeals, and hereafter, under the provisions of this act, if that justice sits anywhere, it certainly will not be in an inferior court, but it will be in the circuit court of appeals, there being proposed a circuit court of appeals in each circuit, equivalent to the number of justices on the Supreme Court bench.

It would not, in the judgment of the committee, be appropriate to attempt to provide for a justice of the Supreme Court of the United States to sit in a trial court having no appellate jurisdiction. The circuit court, as it now exists, has appellate jurisdiction within certain limitations, or had, prior to the act of 1901, general appellate jurisdiction.

I make the suggestion at this time in order that the Senator from Georgia may be advised as to the policy of the bill.

Mr. BACON. I am very frank to say to the Senator that, aside from the fact that I have very pronounced convictions upon the subject as to the retention of the present flexible features of our judicial system and the very great importance of the preservation to the circuit judges of the power to exercise original jurisdiction, I do not think such legislation as this, absolutely revolutionizing the judicial system of the United States in the particulars I have mentioned, may safely be proceeded with until the country at large—I am speaking now so far as that embraces the profession in the country—shall have an opportunity for its full consideration and for reaching a deliberate conclusion in regard thereto.

Mr. HEYBURN. The plan the committee has incorporated into this bill has been in the possession of every United States judge in the United States for more than a year, and during that time the committee has received communications and suggestions from a very large number of federal judges, as well as from a great many members of the bar who are largely in-

terested in the questions involved in this proposed legislation. Every day brings us such letters. I have a sheaf of them in my desk here which at the proper time, and as I reach the provisions to which they refer, I will produce, received since last Saturday from United States circuit and district judges and from other officers of the courts.

There is only a single suggestion against the plan of consolidation, and that—

Mr. BACON. I am not speaking of the consolidation. That is the most immaterial part of it. It is a question what jurisdiction shall be exercised by the circuit judges in whatever courts they may be organized. That is the question.

Mr. HEYBURN. You can not consider that question aside from the plan of consolidation, because if the circuit court is eliminated, the circuit judges will be assigned to other duties in the circuit court of appeals. The power proposed to be invested in the judges under this plan is not changed in any material way. They are still open to an application to grant the relief, injunctive or other relief of that class, as they are under existing law. Only they do not do it as circuit judges. They do it as judges of the circuit court of appeals or as district judges, as the case may be and the jurisdiction may require.

The justices of the Supreme Court of the United States will still have the power they possess under existing law to grant the ordinary writs, such as they are now empowered to grant. The committee has endeavored to frame the bill in such language as to retain in some of the judges every vestige of jurisdiction now possessed by all the judges. Of course we can not retain the jurisdiction in the circuit judge when we abolish the circuit court. When we abolish the circuit court there is no longer a circuit judge, but he does not go out of jurisdictional existence. He performs the same acts of jurisdiction under another name.

I think the Senator will find that the procedure is as elastic, to borrow his term, under the proposed consolidation as it is under the existing law.

Mr. BACON. I want to disclaim credit for the term "elastic." The question of elasticity and the use of that word is found in all the letters which I have received from judges and members of the bar on the subject.

Mr. HEYBURN. I said that the word is an eminently proper and appropriate one.

Mr. BACON. I think it is an entirely proper one.

Mr. HEYBURN. Entirely so.

Mr. BACON. I wish to emphasize that it is so extremely proper that even I can not claim credit for it. Something which impresses the mind of all the courts and the bar of the country is that the elasticity of the present system is about to be destroyed if this bill should be passed in its present shape.

Mr. HEYBURN. I was not criticising the use of the word "elasticity" at all. It is the word in common use as applied to this class of questions. I merely had occasion to use it myself, and recognized the fact that I did not invent it, the Senator having just used it.

Mr. BACON. I have but one further suggestion to make to the Senator. I have no objection to proceeding with the reading of the bill, of course, but it must be manifest to him, as it is to me and all others, that upon a question which goes so radically to the very bottom of this whole subject the debate between himself and myself is of little avail, with four or five Senators who are present, and whenever it comes up we must have something like a general consideration of it by the Senate.

Mr. FLETCHER. Mr. President—

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

Mr. HEYBURN. Certainly.

Mr. FLETCHER. I wish to ask the Senator if he will permit an amendment to the bill, which is purely a local matter, at page 57, providing for terms of court to be held in the northern district of Florida? He will observe that there are only two points named, Pensacola and Tallahassee, which are 200 miles apart, and we would like very much to have a term of court provided for at Marianna in that section. If the Senator will allow the amendment to be offered now, I believe there can be no objection to it. There is a bill introduced in the House to establish terms of court at Marianna. If that provision is inserted, it would come after the semicolon, in line 11, adding "at Marianna on the first Mondays of April and November."

Mr. HEYBURN. The committee would cheerfully accede to the suggestion of the Senator from Florida except for the fact that it has been the policy of the committee not only in the consideration of this measure, but of the criminal code which Congress has already enacted into law, not to amend existing law except where it was necessary for the purpose of har-

monizing sections of the law. The standing committees of Congress having charge of measures of this kind, the Judiciary Committee of both bodies, would feel that it was an infringement upon their rights if we should indulge in original legislation in considering this measure. It would relieve the committee of embarrassment if Senators would not insist upon offering amendments of that character.

Of course the Senator from Florida has a right to offer the amendment, and I do not suppose there is anyone who would object to it, except that it opens the door to a class of amendments that we hope will be withheld, inasmuch as this is not original legislation, or not intended to be, and we propose to leave original matters to go to the standing committees of Congress for their consideration. So I suggest to the Senator that it would be better not to open the door to amendments of that character.

Mr. FLETCHER. I would not urge it if it went to any material provision of the bill as a law, but it seems to me it is a matter in which there can be no particular interest in other portions of the country. It is merely a question of providing another point for holding court in a certain district of a certain State. I am sure that no chairman of any committee would find any fault with it. It is a question as to getting to it. By the provision here there are only two points in the northern district of Florida at which court can be held. There ought to be another point in the district for holding court, and I do not believe that there can be any question about it. In a matter of that sort it seems to me that it would be permissible for an amendment to be offered to the bill now instead of requiring an original bill to be introduced and pass through the different stages of consideration.

Mr. HEYBURN. I shall not object to the amendment at all. I only desire to call the Senator's attention to the nature of opening the consideration of this measure to that class of amendment. I shall not object to it. I will ask the Senator, however, whether any bill has been introduced in Congress for the purpose of obtaining this relief?

Mr. FLETCHER. Yes; in the House. It has not been introduced here; we have been waiting for it to reach the Senate. It has been introduced in the House.

Mr. HEYBURN. Is such a measure pending before the Judiciary Committee of this body?

Mr. FLETCHER. No; it has not reached the Senate.

Mr. HEYBURN. I shall not object to it. If objection comes, it will have to come from some member of the Judiciary Committee.

Mr. FLETCHER. Then, as the Senator does not object, I move after the word "March" and the semicolon, in line 11, page 57, to insert the words:

At Marianna on the first Mondays in April and November.

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

The amendment was agreed to.

Mr. HEYBURN. I will ask that we proceed with the consideration of section 124, on page 123. We were considering that section when the Senator from Georgia made his remarks with regard to the general policy of the bill.

The PRESIDING OFFICER. The Secretary will resume the reading of the bill.

The Secretary resumed the reading of the bill at page 125, line 2, and concluded the reading of section 124, as follows:

Provided, That nothing herein shall prevent the court from hearing appeals or writs of error wherever the said courts shall sit in cases of injunctions and in all other cases which, under the statutes and the rules, or in the opinion of the court, are entitled to be brought to a speedy hearing. All appeals, writs of error, and other appellate proceedings which may be taken or prosecuted from the district courts of the United States in the States of Colorado, Utah, and Wyoming, and the supreme court of the Territory of New Mexico to the circuit court of appeals for the eighth judicial circuit, shall be heard and disposed of by said court at the terms held either in Denver or in Cheyenne, except that any case arising in any of said States or Territory may, by consent of all the parties, be heard and disposed of at a term of said court other than the one held in Denver or Cheyenne.

The PRESIDING OFFICER. Without objection, the section will be agreed to.

The Secretary read section 125, as follows:

SEC. 125. The marshals for the several districts in which said circuit courts of appeals may be held shall, under the direction of the Attorney-General, and with his approval, provide such rooms in the public buildings of the United States as may be necessary for the business of said courts, and pay all incidental expenses of said court, including criers, bailiffs, and messengers: *Provided*, That in case proper rooms can not be provided in such buildings, then the marshals, with the approval of the Attorney-General, may, from time to time, lease such rooms as may be necessary for such courts.

The PRESIDING OFFICER. Without objection, the section will be agreed to.

The Secretary read section 126, as follows:

SEC. 126. Any justice or judge who shall attend the circuit courts of appeals held at any other place than where he resides, shall be allowed his reasonable expenses *actually incurred* for travel and attendance, not to exceed \$10 per day, the same to be paid upon the written certificate of said judge; and such payments shall be allowed the marshal in the settlement of his accounts with the United States.

Mr. HEYBURN. I desire to incorporate into the RECORD, in connection with section 126, the note to that section in part 1 of the report accompanying the bill.

The PRESIDING OFFICER. Without objection, the matter will be inserted.

The note referred to was as follows:

In making appropriations during the past three or four years for the expenses of judges while holding court at a place other than their official residences, Congress has imposed the condition that the expenses must have been "actually incurred" for travel and attendance; and since these words appear in each recurring appropriation act it is fair to assume that this change expresses the will of Congress in that regard, and they have therefore been carried into the section. The omission of the word "that" at the beginning of the section, and the transposition of some of the language of the provision make no change in the section.

The PRESIDING OFFICER. Without objection, section 126 will be agreed to.

The Secretary read section 127, as follows:

SEC. 127. The circuit courts of appeals shall exercise appellate jurisdiction to review by appeal or writ of error final decisions in the district courts, including the United States district court for Hawaii, in all cases other than those in which appeals and writs of error may be taken direct to the Supreme Court, as provided in section 225, unless otherwise provided by law; and, except as provided in sections 226 and 227, the judgments and decrees of the circuit courts of appeals shall be final in all cases in which the jurisdiction is dependent entirely upon the opposite parties to the suit or controversy being aliens and citizens of the United States or citizens of different States; also in all cases arising under the patent laws, under the revenue laws, and under the criminal laws, and in admiralty cases.

The PRESIDING OFFICER. Without objection, the section will be agreed to.

The Secretary read section 128, as follows:

SEC. 128. Where upon a hearing in equity in a district court, or by a judge thereof in vacation, an injunction shall be granted, continued, refused, or dissolved by an interlocutory order or decree, or an application to dissolve an injunction shall be refused, or an interlocutory order or decree shall be made appointing a receiver, an appeal may be taken from such interlocutory order or decree granting, continuing, refusing, dissolving, or refusing to dissolve, an injunction, or appointing a receiver, to the circuit court of appeals, notwithstanding an appeal in such case might, upon final decree under the statutes regulating the same, be taken directly to the Supreme Court: *Provided*, That the appeal must be taken within thirty days from the entry of such order or decree, and it shall take precedence in the appellate court; and the proceedings in other respects in the court below shall not be stayed unless otherwise ordered by that court, or the appellate court, or a judge thereof, during the pendency of such appeal: *Provided, however*, That the court below may, in its discretion, require as a condition of the appeal an additional bond.

Mr. HEYBURN. I also desire to incorporate into the RECORD the note on section 128, in part 1, of the report on this bill.

The PRESIDING OFFICER. Without objection, the matter will be inserted in the RECORD.

The note referred to is as follows:

Section 7 of the act of March 3, 1891 (1 Supp., 904), provided that appeals might be taken to the circuit court of appeals from interlocutory orders "granting or continuing an injunction." This was found to be unsatisfactory, and by the act of February 18, 1895 (2 Supp., 376), the section was amended so as to cover orders by which an injunction "is granted, continued, refused, or dissolved, or an application to dissolve an injunction is refused." Later it was desired to extend the appeal to orders in receivership cases, and this was done by the act of June 6, 1900 (2 Supp., 1445). This law was so drawn, however, that it operated to repeal the act of 1895, which, it is to be presumed, was not intended. (*Wire Co. v. Boyce*, 104 Fed. Rep., 172; *Rowan v. Ide*, 107 Fed. Rep., 161.) This resulted from the fact that the act of 1900 amended the act of 1891, and overlooked the act of 1895. In view of this, the committee has restored the provisions of the act of 1895 permitting an appeal from an interlocutory order "refusing or dissolving," or "refusing to dissolve an injunction." In this connection, it may be noted that by the acts of 1891, 1895, and 1900 the cases in which appeals might be taken were those in which an appeal might be taken from a final decree to the circuit court of appeals. The act of 1906 removed this limitation by providing that the appeals might be taken in any case from any such order or decree, although the case might be one which upon final decree would go directly to the Supreme Court. To remove any doubt upon this point, the committee has added, immediately preceding the first proviso, the words "notwithstanding an appeal in such case might upon final decree, under the statutes regulating the same, be taken directly to the Supreme Court."

Mr. HEYBURN. I would call the attention of the Senate to the fact that this is a provision relative to the issuance of injunctions.

Mr. KEAN. Is it a change in the existing law?

Mr. HEYBURN. This is the existing law.

The PRESIDING OFFICER. Without objection, section 128 will be agreed to.

The Secretary read section 129, as follows:

SEC. 129. The circuit courts of appeals shall have the appellate and supervisory jurisdiction conferred upon the circuit courts by the act

entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, and all laws amendatory thereof, and shall exercise the same in the manner therein prescribed.

The PRESIDING OFFICER. Without objection, the section is agreed to.

The Secretary read section 130, as follows:

SEC. 130. The circuit court of appeals for the ninth circuit is empowered to hear and determine writs of error and appeals from the United States court for China, as provided in the act entitled "An act creating a United States court for China and prescribing the jurisdiction thereof," approved June 30, 1906.

The PRESIDING OFFICER. Without objection, the section is agreed to.

COURT OF COMMERCE, ETC.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is Senate bill 6737.

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

Mr. ELKINS. I desire to submit some amendments to the bill now under consideration, which amendments have the approval of a majority of the committee, I understand. I ask that they may be printed and lie on the table.

Mr. CUMMINS. Mr. President, I only desire to have it understood in this connection that there has been no meeting of the committee, and it has had no opportunity to consider any proposed amendments. If there is any approval on the part of the members of the committee of these amendments, that approval must have been expressed in an individual capacity only, and without any chance for discussion or consideration in the committee.

Mr. ELKINS. I did not offer them as committee amendments at all, and I so stated.

Mr. KEAN. They were approved by a majority of the members of the committee.

The VICE-PRESIDENT. The Chair understands that the Senator from West Virginia desires to have the amendments printed and lie on the table.

Mr. ELKINS. Yes, sir; let them be printed and lie on the table.

The VICE-PRESIDENT. The amendments will be printed and lie on the table.

Mr. ROOT obtained the floor.

Mr. KEAN. Mr. President, I suggest the absence of a quorum.

The VICE-PRESIDENT. The Senator from New Jersey suggests the absence of a quorum. The Secretary will call the roll.

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

Borah	Clark, Wyo.	Gallinger	Percy
Bourne	Clarke, Ark.	Guggenheim	Perkins
Brandegge	Clay	Johnston	Piles
Briggs	Crawford	Jones	Purcell
Bristow	Cummins	Kean	Root
Brown	Curtis	La Follette	Shively
Bulkeley	Dick	Lodge	Smith, Mich.
Burket	Dillingham	Lorimer	Smoot
Burnham	Dolliver	McEnery	Stone
Burrows	Elkins	Nixon	Sutherland
Burton	Fletcher	Oliver	Tallaferro
Chamberlain	Flint	Overman	Warner
Clapp	Foster	Page	Wetmore

Mr. CLARK of Wyoming. I desire to state that my colleague [Mr. WARREN] has been called from the city.

The VICE-PRESIDENT. Fifty-two Senators have answered to the roll call. A quorum of the Senate is present. The Senator from New York will proceed.

Mr. ROOT addressed the Senate. After having spoken, with interruptions, for nearly two hours,

Mr. ALDRICH. Mr. President—

The PRESIDING OFFICER (Mr. CURTIS in the chair). Does the Senator from New York yield to the Senator from Rhode Island?

Mr. ROOT. Certainly.

Mr. ALDRICH. I suppose the Senator from New York will hardly be able to finish his remarks to-day, and I suggest there is some important executive business which should be transacted.

Mr. ROOT. Mr. President, I had hoped to finish my remarks, but the very able assistance I have received from my fellow-Senators, I think, will make it necessary for me to wait until to-morrow to conclude what I have to say.

[For Mr. Root's entire speech see Senate proceedings of April 1, 1910.]

PENSIONS AND INCREASE OF PENSIONS.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives, disagreeing to the amendments of the Senate to the bill (H. R. 21754) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. McCUMBER. I move that the Senate insist upon its amendments and agree to the conference asked for by the House of Representatives, the conferees to be appointed by the Chair.

The motion was agreed to; and the Vice-President appointed Mr. McCUMBER, Mr. SCOTT, and Mr. TAYLOR the conferees on the part of the Senate.

EXECUTIVE SESSION.

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

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After twenty minutes spent in executive session the doors were reopened.

LANDS AT CHEYENNE, WYO.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 4040) to grant certain lands to the city of Cheyenne, Wyo., which was, in line 13, to strike out "paying" and insert "the payment by the city of Cheyenne of."

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

The motion was agreed to.

WATERWORKS PLANT OF DOUGLAS, ARIZ.

Mr. HUGHES. I ask unanimous consent for the present consideration of the bill (H. R. 13401) to enable the city of Douglas, Cochise County, Ariz., to issue bonds for the purpose of acquiring and constructing a waterworks plant in and for said city.

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

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

Mr. KEAN. I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 8 minutes p. m.) the Senate adjourned until to-morrow, Thursday, March 31, 1910, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate March 30, 1910.

PROMOTIONS IN THE ARMY.

INFANTRY ARM.

Capt. Thomas G. Hanson, Nineteenth Infantry, to be major from March 24, 1910, vice Maj. Frank McIntyre, Eighth Infantry, detailed as assistant to the Chief of the Bureau of Insular Affairs, War Department, on that date.

First Lieut. Samuel B. McIntyre, Fourth Infantry, to be captain from March 24, 1910, vice Capt. Thomas G. Hanson, Nineteenth Infantry, promoted.

Second Lieut. Everett N. Bowman, Thirteenth Infantry, to be first lieutenant from March 24, 1910, vice First Lieut. Samuel B. McIntyre, Fourth Infantry, promoted.

CORPS OF ENGINEERS.

First Lieut. Mark Brooke, Corps of Engineers, to be captain from March 28, 1910, vice Capt. John H. Poole, whose resignation was accepted to take effect on that date.

Second Lieut. Fredric E. Humphreys, Corps of Engineers, to be first lieutenant from March 28, 1910, vice First Lieut. Mark Brooke, promoted.

COAST ARTILLERY CORPS.

Second Lieut. Samuel H. McLeary, Coast Artillery Corps, to be first lieutenant from March 26, 1910, vice First Lieut. Adolph Langhorst, dismissed on that date.

APPOINTMENT IN THE ARMY.

MEDICAL RESERVE CORPS.

Whyte Glendower Owen, of Louisiana, to be first lieutenant in the Medical Reserve Corps, with rank from March 25, 1910.

POSTMASTERS.

ALABAMA.

Ida O. Tillman to be postmaster at Geneva, Ala., in place of Ida O. Tillman. Incumbent's commission expired March 7, 1910.

ARKANSAS.

Clio W. Miller to be postmaster at Eureka Springs, Ark., in place of Benjamin J. Rosewater. Incumbent's commission expires April 23, 1910.

CALIFORNIA.

Stephen F. Kelley to be postmaster at San Bernardino, Cal., in place of Stephen F. Kelley. Incumbent's commission expired March 21, 1910.

William P. Ratliff to be postmaster at Tulare, Cal., in place of William P. Ratliff. Incumbent's commission expired March 2, 1910.

COLORADO.

John Trathen to be postmaster at Idaho Springs, Colo., in place of John Trathen. Incumbent's commission expires April 6, 1910.

FLORIDA.

William F. Barrett to be postmaster at Dunellon, Fla., in place of William F. Barrett. Incumbent's commission expires April 5, 1910.

GEORGIA.

William F. Boone to be postmaster at Baxley, Ga., in place of William F. Boone. Incumbent's commission expires April 5, 1910.

ILLINOIS.

Lewis A. Castle to be postmaster at Wyoming, Ill., in place of Lewis A. Castle. Incumbent's commission expired February 22, 1910.

Henry A. Fischer to be postmaster at Staunton, Ill., in place of Henry A. Fischer. Incumbent's commission expired March 29, 1910.

John H. Firebaugh to be postmaster at Abingdon, Ill., in place of John H. Firebaugh. Incumbent's commission expired March 28, 1910.

Martin A. L. Olsen to be postmaster at De Kalb, Ill., in place of Martin A. L. Olsen. Incumbent's commission expires April 9, 1910.

Thomas S. Reynolds to be postmaster at Harrisburg, Ill., in place of Thomas S. Reynolds. Incumbent's commission expired February 5, 1910.

Reuben F. Rotramel to be postmaster at Thompsonville, Ill. Office becomes presidential April 1, 1910.

INDIANA.

Minard A. Schutt to be postmaster at Michigan City, Ind., in place of Albert H. Leist. Incumbent's commission expired March 22, 1910.

Henry Tichenor to be postmaster at Princeton, Ind., in place of Arthur P. Twineham. Incumbent's commission expired December 19, 1909.

Isaac N. Zent to be postmaster at Auburn, Ind., in place of Aubrey L. Kuhlman. Incumbent's commission expired January 23, 1910.

KANSAS.

John B. Kennedy to be postmaster at Troy, Kans., in place of John B. Kennedy. Incumbent's commission expired February 28, 1910.

William T. McElroy to be postmaster at Humboldt, Kans., in place of William T. McElroy. Incumbent's commission expired March 23, 1910.

Nathan B. Needham to be postmaster at Clifton, Kans., in place of Nathan B. Needham. Incumbent's commission expired March 28, 1910.

Robert J. Smith to be postmaster at Wellington, Kans., in place of Robert J. Smith. Incumbent's commission expired January 31, 1910.

James I. Stamper to be postmaster at Meade, Kans., in place of Frank Fuhr. Incumbent's commission expired February 7, 1910.

I. J. Stanton to be postmaster at Fowler, Kans. Office became presidential October 1, 1909.

KENTUCKY.

Arthur M. Hughes to be postmaster at Louisa, Ky., in place of Arthur M. Hughes. Incumbent's commission expired March 22, 1910.

LOUISIANA.

George J. Hollister to be postmaster at Ponchatoula, La., in place of George J. Hollister. Incumbent's commission expired February 7, 1910.

MAINE.

George Downes to be postmaster at Calais, Me., in place of George Downes. Incumbent's commission expires April 3, 1910.

Jessie F. Fernald to be postmaster at Kittery, Me., in place of Jessie F. Fernald. Incumbent's commission expired February 28, 1910.

Joseph W. Gary to be postmaster at Caribou, Me., in place of Joseph W. Gary. Incumbent's commission expires April 3, 1910.

William G. Hubbard to be postmaster at Wiscasset, Me., in place of William G. Hubbard. Incumbent's commission expires April 23, 1910.

MASSACHUSETTS.

William E. Dunbar to be postmaster at Taunton, Mass., in place of William E. Dunbar. Incumbent's commission expired January 23, 1910.

John W. Richardson to be postmaster at Winchester, Mass., in place of John W. Richardson. Incumbent's commission expired March 21, 1910.

John A. Thayer to be postmaster at Attleboro, Mass., in place of John A. Thayer. Incumbent's commission expires April 16, 1910.

MICHIGAN.

John E. Crawford to be postmaster at Milford, Mich., in place of John E. Crawford. Incumbent's commission expired March 28, 1910.

J. Mark Harvey, jr., to be postmaster at Constantine, Mich., in place of J. Mark Harvey, jr. Incumbent's commission expires April 5, 1910.

MINNESOTA.

Jacob Gish to be postmaster at Le Sueur, Minn., in place of Jacob Gish. Incumbent's commission expires April 23, 1910.

James M. King to be postmaster at White Bear Lake, Minn., in place of James M. King. Incumbent's commission expires April 23, 1910.

Peter J. Schwartz to be postmaster at Shakopee, Minn., in place of Peter J. Schwartz. Incumbent's commission expires April 19, 1910.

MISSOURI.

William F. Bloebaum to be postmaster at St. Charles, Mo., in place of William F. Bloebaum. Incumbent's commission expired February 27, 1910.

E. E. Coddling to be postmaster at Sedalia, Mo., in place of E. E. Coddling. Incumbent's commission expires April 3, 1910.

Frank P. Kitchen to be postmaster at Clinton, Mo., in place of Frank P. Kitchen. Incumbent's commission expired December 12, 1909.

Fred C. Klossner to be postmaster at St. James, Mo., in place of Henry F. Wolters. Incumbent's commission expired March 23, 1910.

NEVADA.

Richard H. Frank to be postmaster at East Ely, Nev. Office becomes presidential April 1, 1910.

NEW YORK.

Herman E. Buck to be postmaster at Canisteo, N. Y., in place of Lucius A. Waldo, deceased.

PENNSYLVANIA.

I. Warner Arthur to be postmaster at Bryn Mawr, Pa., in place of I. Warner Arthur. Incumbent's commission expires April 3, 1910.

Allen P. Dickey to be postmaster at Waynesburg, Pa., in place of Allen P. Dickey. Incumbent's commission expires April 24, 1910.

John P. S. Fenstermacher to be postmaster at Kutztown, Pa., in place of John P. S. Fenstermacher. Incumbent's commission expires April 25, 1910.

William E. Housel to be postmaster at Lewisburg, Pa., in place of Delazon P. Higgins. Incumbent's commission expires April 3, 1910.

Charles S. Martin to be postmaster at Allentown, Pa., in place of Milton P. Schantz. Incumbent's commission expires April 3, 1910.

Huston S. Williams to be postmaster at Fairchance, Pa., in place of Huston S. Williams. Incumbent's commission expires April 17, 1910.

TEXAS.

Frank Quota to be postmaster at Yoakum, Tex., in place of John M. Clark. Incumbent's commission expired December 13, 1909.

UTAH.

James P. Madsen to be postmaster at Mantli, Utah, in place of James P. Madsen. Incumbent's commission expired March 28, 1910.

WASHINGTON.

William F. Koenig to be postmaster at Enumclaw, Wash., in place of A. C. Johansen, resigned.

WEST VIRGINIA.

David E. Watson to be postmaster at Tunnelton, W. Va. Office became presidential July 1, 1907.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 30, 1910.

POLICE JUDGE OF THE DISTRICT OF COLUMBIA.

James L. Pugh to be judge of the police court of the District of Columbia.

COURT OF CUSTOMS APPEALS.

Robert M. Montgomery to be presiding judge.

William H. Hunt to be associate judge.

James F. Smith to be associate judge.

Orion M. Barber to be associate judge.

Marion De Vries to be associate judge.

POSTMASTERS.

COLORADO.

Oscar Allert, at Louisville, Colo.

IOWA.

William F. Kopp, at Mount Pleasant, Iowa.

MAINE.

Fred E. Littlefield, at Vinal Haven, Me.

MINNESOTA.

William J. Simmons, at Forest Lake, Minn.

Carl A. Von Vleck, at Lake City, Minn.

NEW YORK.

Edwin P. Bouton, at Trumansburg, N. Y.

Richard Carter, at Greene, N. Y.

James H. Jennings, at Candor, N. Y.

Charles V. Nye, at Harrisville, N. Y.

George Realy, at Hancock, N. Y.

Charles M. Sisco, at Shortsville, N. Y.

Robert M. Skillen, at Akron, N. Y.

Percy J. Thomas, at New Berlin, N. Y.

William N. Wallace, at Gowanda, N. Y.

OHIO.

Edward L. Byers, at Mechanicsburg, Ohio.

Willis C. Kohler, at Kenton, Ohio.

Joshua W. Orr, at Piqua, Ohio.

PENNSYLVANIA.

William H. Michener, at Ogontz, Pa.

Harry D. Patch, at Wilmerding, Pa.

VERMONT.

Sidney Almon Leavitt, at Wells River, Vt.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, March 30, 1910.

The House met at 12 o'clock noon.

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

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

CORRECTION.

Mr. SISSON. Mr. Speaker, my attention was called yesterday, after the Journal had been approved, to the fact that I was recorded as being absent on the first call of the House, and I notice that the Record shows that I am recorded as absent. I was present at the call of the House and answered to my name, and I would like to ask unanimous consent to have the Record and Journal corrected.

The SPEAKER. Without objection, the Journal and the Record will be corrected.

There was no objection.

ORDER OF BUSINESS.

Mr. WILSON of Pennsylvania. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WILSON of Pennsylvania. On March 21 I introduced House resolution No. 504, which was referred to the Committee on Rules. That was before the selection of the present Committee on Rules, and I would like to ask whether or not this resolution is now pending before the present committee.

The SPEAKER. It is analogous to the rule of the House that requires that at the end of the session the dockets, unfinished business, and so forth, be deposited in the file room. The Chair is informed by the Journal clerk that those resolutions are in the file room along with the documents of the committee, and so forth, so that the Chair apprehends, not as answer to a parliamentary inquiry, but as a question of fact, that the bills or the resolutions are not pending before the Committee on Rules as now constituted.

Mr. WILSON of Pennsylvania. Then, Mr. Speaker, I move that House resolution No. 504 be referred to the Committee on Rules.

The SPEAKER. This is calendar Wednesday, and the motion is not in order. The highest constitutional privilege that is coming up under the rules is calendar Wednesday. [Applause.] The call rests on the Committee on Naval Affairs.

NAVAL OBSERVATORY.

Mr. DAWSON. Mr. Speaker, I ask that the unfinished business be laid before the House, which is H. R. 22685.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 22685) to establish a naval observatory, and define its duties, and for other purposes.

Mr. MANN. This bill is on the Union Calendar, Mr. Speaker.

Mr. PAYNE. This bill is on the Union Calendar.

Mr. DAWSON. Mr. Speaker, I ask unanimous consent—

Mr. MANN. It does not require a motion. The bill is on the Union Calendar.

The SPEAKER. Then, the bill has been considered already?

Mr. DAWSON. It has been considered.

Mr. MANN. It is under consideration in the Committee of the Whole now.

The SPEAKER. But the gentleman asks unanimous consent to discharge the committee and consider it in the House.

Mr. MANN. I object.

The SPEAKER. Objection is heard. The gentleman from New Hampshire [Mr. CURRIER] will take the Chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 22685.

The gentleman from Iowa [Mr. DAWSON] is recognized.

Mr. DAWSON. Mr. Chairman, I think debate on this bill was exhausted on Wednesday last, and so I ask that the bill may now be read for amendment.

The CHAIRMAN. The gentleman has ten minutes, the Chair is informed. Does the gentleman ask for the reading of the bill?

Mr. MANN. Mr. Chairman—

The CHAIRMAN. For what purpose does the gentleman from Illinois rise?

Mr. MANN. To speak on the bill. I would like to ask the gentleman from Iowa [Mr. DAWSON] whether he has further considered the proposition in reference to transferring this observatory to the Smithsonian Institution, and whether he would not be willing, without too much protest, to accept the opportunity now presented to place the observatory where it belongs, in the scientific department of the Government?

Mr. DAWSON. Mr. Chairman, I do not think that now is the time or that this is the place to make the change suggested by the gentleman from Illinois. Since the debate on Wednesday last I have made a number of inquiries in regard to the matter, and a good many difficulties present themselves which go to the question of transferring the observatory from the Navy Department to some other department of the Government. It seems to me that, in the interest of orderly procedure and in the interest of good legislation, the proposition to take this observatory out of one department and put it into another place which is not a department of the Government at all ought to come in here in the regular way, and should be carefully considered by a committee before it comes into the House. It seems to me that the House can not pass upon all the questions involved in this transfer in a debate when the bill is before the House.

Mr. MANN. If the gentleman will pardon me for making the suggestion, I know of no committee in the House which can very well report properly a bill transferring the Naval Observatory from the Navy Department to the Smithsonian Institution. I would not look, quite properly, for the Committee on Naval

Affairs to do it. No other committee of the House, however, has jurisdiction on that subject, unless it would be the Committee on Library, which is supposed to have jurisdiction on all matters relating to the Smithsonian Institution, and certainly the gentleman's committee will object to the Committee on the Library trying to do anything of that kind. Now, I could read a proposition to the gentleman which I believe would meet all the difficulties, except the difficulty which confronts the gentlemen of the Navy Department losing jurisdiction of the Naval Observatory.

Mr. DAWSON. Before the gentleman comes to that, will he allow me to ask him a question?

Mr. MANN. Certainly.

Mr. DAWSON. Does he not think that if this bill becomes law in its present form, and at the next session of Congress a Member should introduce a bill proposing to transfer the Naval Observatory to some other department, having behind it the recommendation of the civilian superintendent, does he not believe that it would be referred to the appropriate committee, which might be some other committee than the Naval Committee?

Mr. MANN. Really I do not think it would be referred to any other committee than the Naval Committee, nor do I understand why the report of the new civilian superintendent would have any greater weight than the Board of Visitors or the President of the United States, who have distinctly stated that in their opinion this ought to be with the scientific branch of the Government.

Mr. DAWSON. Well, but has anyone recommended that it go to the Smithsonian Institution?

Mr. MANN. Well, I would say to the gentleman it would be immaterial to me whether it go to the Smithsonian Institution or correlated to the Department of Commerce and Labor; but the Smithsonian Institution as now constituted has been recognized by the Government, by Congress, as the distinctively scientific branch of the Government.

Mr. TAWNEY. And is doing service intimately relative to and associated with the service now being performed by the Naval Observatory.

Mr. MANN. Undoubtedly the Astrophysical Observatory and the Naval Observatory could well be put into one bureau.

Mr. DAWSON. The gentleman comes forward with a proposition to put this in the Smithsonian, or some other bureau of the Government; so it seems to me that the burden of proof rests upon him to show that it would be practical to take that step at this time and in this way.

Mr. MANN. Well, that is what I hope to be able to do.

Mr. DOUGLAS. Will the gentleman allow me to ask a question?

Mr. MANN. In a moment.

Mr. STAFFORD. In that connection, I would like to ask the gentleman whether the Coast and Geodetic Survey of the Department of Commerce and Labor would not be the more appropriate bureau—

Mr. TAWNEY. They have no observatory.

Mr. STAFFORD (continuing). For this character of work? Its work is largely scientific in character and similar to that done by the Naval Observatory.

Mr. MANN. The Coast and Geodetic Survey is, in the main, a scientific bureau of the Government. The reason I have suggested the Smithsonian Institution is because the Smithsonian has now the Astrophysical Observatory, which is related to astronomical work.

Mr. DAWSON. Well, it seems to me that the Astrophysical Observatory as related to the Naval Observatory would be in about the same proportion as the tail is to a dog. [Laughter.]

Mr. MANN. Well, the gentleman is not familiar with the work of the Astrophysical Observatory. Doctor Langley, when he was Secretary of the Smithsonian, made it renowned throughout the world because of his work in connection with the astrophysical observations, and that is more than can yet be said of the Naval Observatory.

Mr. DAWSON. But it will not be more than can be said if you will give the observatory permission to do the work for which it is equipped. Now, "Astrophysical Observatory" sounds large in the ears of the average person, but, as I understand it, what they are doing over there is simply to measure the heat and the rays of the sun. Am I correct in that?

Mr. MANN. That is not correct.

Mr. DAWSON. Will the gentleman state it correctly?

Mr. MANN. The Astrophysical Observatory, of course, is engaged principally upon observations in regard to the sun.

Mr. DAWSON. Certainly. Well, that is exactly what I stated.

Mr. MANN. Not exactly.

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

Mr. MANN. Yes.

Mr. DOUGLAS. In looking through the report I find no information as to what service the Naval Observatory is rendering to the Navy Department. Can the gentleman from Illinois say?

Mr. MANN. They render service upon which the Nautical Almanac is based and, I think, very little else.

Mr. DOUGLAS. Do you know why the observatory was originally placed under the Navy Department?

Mr. MANN. It became necessary originally to obtain scientific information in regard to astronomy for the purpose of aiding navigators. Out of that grew gradually the Naval Observatory, very naturally and, I think, very properly.

Mr. PARKER. Will the gentleman permit a question in that line?

Mr. MANN. I yield to the gentleman from New Jersey.

Mr. PARKER. I want to ask the gentleman whether he does not know that the principal work of the Naval Observatory, from the establishment of the original observatory down to the present time, has been to make carefully conducted astronomical observations, the results of which are put together in the ephemeris every year and which make up the whole data of naval navigation and of the general navigation of the country?

Mr. MANN. I do not so understand it, I will say to the gentleman. While, theoretically, the reason for the existence of the Naval Observatory is what the gentleman describes, yet, in fact, the Naval Observatory has become a scientific bureau of the Government for the study of astronomy and entirely disconnected with navigation.

Mr. PARKER. The study of astronomy is necessary for navigation.

Mr. MANN. Oh, yes; the study of astronomy is necessary, but the study of eclipses, the study of sun spots, the study of a great many other things that the Naval Observatory studies are not necessary as aids to navigation.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. MANN 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 bill of the following title:

H. R. 22369. An act to amend an act entitled "An act to authorize the construction of a bridge across the Monongahela River, in the State of Pennsylvania, by the Liberty Bridge Company," approved March 2, 1907.

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

S. 7336. An act to authorize the Secretary of the Treasury to purchase such additional land as may be necessary for the enlargement of the post-office and court-house at Wilmington, Del.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 5252) to authorize the closing of a part of Forty-first street NW., in the District of Columbia, and for other purposes.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 4624) to authorize the Commissioners of the District of Columbia to accept donations of money and land for the establishment of a branch library in the District of Columbia, to establish a commission to supervise the erection of a branch library building in said District, and to provide for the suitable maintenance of said branch.

NAVAL OBSERVATORY.

The committee resumed its session.

Mr. SLAYDEN. Mr. Chairman, I should like to ask the gentleman from Illinois if the scientific data gathered by the Smithsonian Institution would not equally be at the service of navigation, both of the United States Navy and of the merchant marine—just as available and perhaps more scientifically accurate—if gathered by men trained particularly in scientific observation?

Mr. MANN. I agree with the gentleman. I think the information would be more available than it now is, both for the navy and the merchant marine.

Mr. SLAYDEN. And more economically done.

Mr. DAWSON. If the gentleman will permit me, it seems to me the question of the gentleman from Texas is predicated upon the theory that the information is not so obtained at this time, which is not correct.

Mr. SLAYDEN. Not entirely true, I will say, but I do not believe that the graduates of the Naval Academy or of the Military Academy have as good scientific training as gentlemen whose entire scholastic lives have been devoted to that end.

Mr. DAWSON. But the gentleman knows that the professors of mathematics in the Naval Academy are not graduates of the Naval Academy.

Mr. SLAYDEN. Oh, yes.

Mr. DAWSON. And the men who are professors of mathematics at the Naval Observatory are men who have been selected by reason of their scientific attainments. They are not graduates of the Naval Academy at all.

Mr. SLAYDEN. Are there not gentlemen not connected with the Naval Academy who also have peculiar and highly developed attainments in astronomical work?

Mr. DAWSON. As I say, these men who are at the observatory are men who are selected for that very reason, but are not Annapolis graduates at all.

Mr. SLAYDEN. With the permission of the gentleman from Illinois, I should like to ask the gentleman from Iowa [Mr. DAWSON] a question.

Mr. MANN. Certainly.

Mr. SLAYDEN. There is a constant pressure to increase the commissioned personnel of the navy and of the army. Now, if it is possible to have purely scientific work done by gentlemen who are scientists and not connected with the army or navy, why should it not be done, and let these commissioned officers go back to their military occupations?

Mr. DAWSON. I agree with the gentleman entirely, but allow me to say that this observatory does other things for the navy. It inspects, tests, regulates, stores, and issues all of the scientific instruments that are used for the navigation of ships.

Mr. SHERLEY. If the gentleman will allow me, could not that be done much more economically in Tompkinsville than at the Naval Observatory?

Mr. DAWSON. I can not see any reason for doing that by contract when you have an institution here that can do it.

Mr. SHERLEY. You need not do it by contract. Tompkinsville is owned by the Government and is close on the water, and you would not have to ship the instruments here and back again.

Mr. MANN. I am informed that the larger part of the tests are in fact done by the Bureau of Standards, which has better facilities for testing scientific instruments for accuracy.

Mr. DAWSON. Do they test sextants and instruments of that sort?

Mr. SLAYDEN. Does not the gentleman from Illinois believe that this is one of the many instances where consolidation and simplification of bureaus of this kind could be made to great advantage?

Mr. MANN. I certainly think that the observatory work could be consolidated with the Smithsonian Institution to advantage.

Mr. DAWSON. Will the gentleman from Illinois allow me to ask him one question?

Mr. MANN. I wish the gentleman would wait until I read to the committee the proposition which I have and which I hope the gentleman from Iowa will carefully listen to.

Mr. DAWSON. But the question I have goes to the method rather than to the matter. I want to ask the gentleman from Illinois as a careful legislator, and there are none more careful on the floor of the House than he—I want to ask him in common frankness and fairness—whether he believes that a legislative matter of this magnitude should be disposed of on the floor of the House on a bill without the careful consideration which can only be given to it by a committee of the House?

Mr. MANN. I will say to the gentleman from Iowa that on such a simple proposition as this I can see no reason why any Member of the House should not be able in two minutes' time to bring in a bill which would be sufficiently plain to create and transfer this observatory to the only place in the Government where it preeminently belongs.

Mr. DAWSON. If the gentleman from Illinois will permit me, during this discussion this very morning he stated that it ought to go either to the Smithsonian Institution or to the Department of Commerce and Labor. Which one of the two has the gentleman settled on?

Mr. MANN. The gentleman from Illinois did not say this morning, as the gentleman states, and stop there, but I stated that, in my opinion, it belongs to the scientific branch of the Government—the Smithsonian Institution. I said the other day that there are scientific bureaus in the Department of Commerce and Labor, and it might be placed there; but the pre-eminent place for it is the scientific bureau of the Government—the Smithsonian Institution.

Mr. DAWSON. Has the gentleman given sufficient study and consideration to the question to have worked out how to care for the personnel of this institution if the change which he proposes should be made?

Mr. MANN. I have. If the gentleman will permit me to read the proposition which I have and which I have been trying to read to the House for twenty minutes, then I will invite his discussion on that subject. I would change the bill so as to read as follows:

That there shall be a national observatory located in the District of Columbia which shall be under the control of the Smithsonian Institution, and the present Naval Observatory is hereby transferred to said institution from and after July 1, 1910; and the President may temporarily assign to duty with the said observatory under the Smithsonian Institution the officials and persons now connected with the Naval Observatory. The national observatory shall continue to render to the Navy Department such service as is now rendered by it or required by law, and shall, in addition, make astronomical and other researches.

That is complete; it covers every contingency. There is no difficulty about framing. It would create by law a legal status for the existing Naval Observatory, and it would transfer the observatory, with the present officials and persons connected with it, to the Smithsonian Institution and require it to continue to render the assistance that now is rendered to the Navy Department.

Mr. DOUGLAS. Will the gentleman allow me a question?

Mr. MANN. Certainly.

Mr. DOUGLAS. I would like to ask the gentleman if it is not true that the Smithsonian Institution is not strictly a government institution, but is incorporated independently of the Government, and is operated and under the control of a board of trustees who are not really under the direction and control of Congress? And if that is not true, then in what respect am I mistaken?

Mr. MANN. The Smithsonian Institution, which grew out of a bequest of Smithson, is incorporated by Congress with a Board of Regents and another board consisting of the President and the various Cabinet officers, but is really directed by the Secretary of the Smithsonian Institution, subject to the complete control of these other bodies. That is only a small part, however, of the work of the Smithsonian Institution. The fund of the Smithsonian Institution itself amounts to something less than a million dollars, but under the Smithsonian Institution there is the National Zoo out here, the Ethnological Bureau, and the National Museum, all maintained out of appropriations by the Congress, treating the Smithsonian Institution as a part of the Government.

Mr. TAWNEY. And the Astrophysical Observatory.

Mr. MANN. And the Astrophysical Observatory, the exchange of documents, and so forth, with the entire world, which is a matter of great importance, is carried on under the direction of the Smithsonian Institution, and all subject to the control of Congress, appropriated for by Congress, and reported to the Congress.

Mr. DOUGLAS. What control or what is the limit between the influence of Congress and the influence of the board of trustees over, for example, the Ethnological Bureau?

Mr. MANN. The Smithsonian fund itself—

Mr. DOUGLAS. Is that the fund that is administered by the trustees?

Mr. MANN. That is under the control of the trustees, or the Regents, and Congress has nothing to do with it; but the funds which are appropriated for these other bureaus or branches under the control of the Smithsonian Institution are paid out through the Treasury Department, through the auditors, and are accounted for as other moneys appropriated by the Government are accounted for—

Mr. DOUGLAS. By whom?

Mr. MANN. Upon the same responsibility—by the Regents of the Smithsonian Institution.

Mr. BATES. I would like to ask the gentleman a question, Mr. Chairman. The gentleman from Illinois [Mr. MANN] has not yet told the committee why a necessary function of the Navy Department should be taken away from the Navy Department and transferred to where it does not belong. Now, I grant the gentleman—

Mr. MANN. If the gentleman will permit me, I will tell him that.

Mr. BATES. In a moment. The scientific investigations carried on at the Naval Observatory might be very properly under the Smithsonian Institution, but it is necessary for every ship in the control of this Government that its chronometer be adjusted and tested and that the Nautical Almanac should be published, without which it would be impossible to sail a ship, and so there is an intimate, necessarily close relation between the Naval Observatory and the sailing of ships and the carrying on of the United States Navy. Now, why should a necessary adjunct of the navy be plucked out without a moment's warning from the Navy Department and sent away to some other department?

Mr. MANN. The question is easy to answer. It should not be. A necessary adjunct of the navy should not be plucked out without warning, but the gentleman evidently, who belongs to the Committee on Naval Affairs—

Mr. BATES. And I am very glad that I do—

Mr. MANN. And a very distinguished and able member of that committee, evidently has not had his attention attracted to this subject or he would have discovered that, undoubtedly following the advice of the Secretary of the Navy, the President in his annual message recommended that this be taken away from the Navy Department—

Mr. BATES. I beg the gentleman's pardon.

Mr. MANN. I do not ask him to beg my pardon. I am going to read what the President said, if the gentleman will wait for a moment.

Mr. BATES. Certainly I will.

Mr. MANN. The President in his annual message, evidently as to this matter based upon the report and recommendations of the Secretary of the Navy, made this statement:

It may not be necessary to take the Naval Observatory out of the Navy Department and put it into another department in which opportunity for scientific research afforded by the observatory would seem to be more appropriate, though I believe such a transfer, in the long run, is the best policy.

Evidently the President and the Secretary of the Navy do not regard the Naval Observatory as a necessary adjunct of the navy, or they would not have recommended that it be taken away from the navy.

Mr. BATES. Does not the gentleman from Illinois know that it is a necessary adjunct to the United States Navy?

Mr. MANN. The gentleman asks me to say what I know. Of course nobody can say that without merely venturing a matter of opinion, but I should say I know it is not a necessary adjunct to the Naval Department.

Mr. DAWSON. Does not the gentleman agree that the sentence he just read from the message of the President of the United States only emphasizes the fact that it would not be proper to make this transfer in the way proposed by the gentleman from Illinois, but that it should only be made, as the President says, in the long run, and after the effect of such proposed transfer has been carefully considered?

Mr. MANN. But the President does not say it should be made in the long run. He says:

I believe such a transfer, in the long run, is the best policy.

Now, the question with which we are confronted is whether we will adopt that policy, which is the best policy in the long run, or whether we will take two or three or four bites of a small cherry. I believe in one bite on a cherry.

Mr. TAWNEY. Will the gentleman yield to me for just a minute?

Mr. MANN. I yield to the gentleman from Minnesota [Mr. TAWNEY].

Mr. TAWNEY. Mr. Chairman, the question of whether or not the Naval Observatory as now established should be continued is not a new proposition. The subject of the scientific work of the Government was taken up by authority of Congress two years ago by a scientific organization created by act of Congress and known as the National Academy of Sciences. That organization was instructed by Congress to thoroughly investigate the scientific work of the Government, with the view to consolidating, where possible, and eliminating unnecessary scientific work, or work that was not of any special benefit to the Government. The report of the committee appointed by the Academy of Sciences to make the investigation was submitted to the subcommittee on the sundry civil appropriation bill before it was submitted to the Academy of Sciences, and that report, made by a committee, the chairman of which had served in some of the scientific departments of the Government for twenty-three years, recommended the abolition of the Naval Observatory entirely.

When and how did the Naval Observatory originate? It is not the product of congressional action. The necessity for a depot for charts and the testing of instruments was recognized in December, 1830, and, under the then navy commissioners, Lieut. M. L. M. Goldsboro established in that year a bureau for the care of charts and instruments of the navy. The work of the offices connected with the Navy Department was confined entirely to the rating of chronometers belonging to the navy, and in 1833 this work was somewhat extended, but no systematic observations were made at this period except for the determination of time. From that time on the observatory was developed. The first man, and the man who is responsible for the establishment of the observatory, was a very eminent astronomer and also an able officer. His name was Lieutenant Gillis. Since that

time this institution has had for its superintendent naval officers detailed from the active or retired list of the navy.

The second officer—I believe his name was Murray—declined to accept the appointment because he did not consider himself qualified to discharge the duties of the office. But, as he says in his biography, rather than have a civilian astronomer appointed, he finally accepted the position. From that time until now the Superintendent of the Naval Observatory has been a naval officer not specially qualified for the discharge of the duties of an astronomical superintendent or not qualified in the science of astronomy. So that the reputation of this institution to-day is not at all comparable to the reputation of any other observatory in this country or in any other country. It is not at all comparable to the reputation throughout the world of the Astrophysical Observatory under the control of the Smithsonian Institution.

Now, if members of this committee will stop and consider a moment that the scientific work connected with the observatory, which relates to astronomy, has no relation whatever—that is, no necessary relation whatever—to the depot for charts and the testing of chronometers, the preservation and inspection of instruments, we could very easily settle this matter and avoid the expense incident to maintaining a scientific organization here that does not discharge any necessary function in respect to the navy or in respect to the sailing of our vessels.

Now, a few weeks ago, when before the committee, this subject was brought to the attention of the Superintendent of the Astrophysical Observatory.

Mr. SMITH of Iowa said:

Can you tell me, if the Naval Observatory should be put under a civilian, and thereby, in fact, become not a naval observatory, but a purely astronomical observatory, why it should not be consolidated with this work, so as to be under one head?

We were interrogating Doctor Abbot, who is at the head of the Astrophysical Observatory. He said:

I think, if that which you speak of should be done and the combined observatory should be put under first-class management, that the two might be consolidated.

Mr. SMITH. There would be no reason why the Government should maintain an observatory for the examination of the sun, as distinct from a great national observatory, would there?

Mr. ABBOT. I think it would be very proper to combine the two, provided it could be done under proper auspices. Still, the work now done at the two institutions does not involve the slightest duplication, either of installation or research.

Then followed a discussion, which does not appear in the record, along the line of consolidation, for the purpose of establishing a great national observatory here at the seat of government, a national observatory equipped and managed in a manner that would comport with the reputation of our Government in respect to other scientific work—a plan that is entirely feasible, a plan that is entirely practicable, and a plan that does not necessarily take from the navy a single, solitary function that is essential and necessary to the maintenance of the navy or the naval establishment—and if that can be done, I can see no reason why we should not do it here and now, because this is perhaps the only opportunity this House will ever have to consider the question at all.

Mr. SULZER. Will the gentleman yield?

Mr. TAWNEY. Yes.

Mr. SULZER. Is it not a fact that this Naval Observatory has rendered very efficient service to the Navy Department?

Mr. TAWNEY. In so far as maintaining a depot for charts and testing chronometers and other instruments used in the navigation of vessels, yes; but that is not an essential part of a naval observatory. That is an essential part of the navy and the naval establishment.

Mr. SULZER. I would like to ask another question. Is it not a fact also that this Naval Observatory has done great astronomical research work?

Mr. TAWNEY. Not that anybody knows of.

Mr. SULZER. Well, I know of it.

Mr. TAWNEY. Well, the gentleman from New York is wiser than most of us.

Mr. SULZER. And I am surprised that the gentleman from Minnesota does not know that. Is it not a fact also that this observatory—

Mr. TAWNEY. Just a moment. I decline to yield further at this time.

Mr. SULZER. I do not want to embarrass the gentleman.

Mr. TAWNEY. In the original depot of charts and instruments the only observational work was that connected with the rating of chronometers. At present this work constitutes only a very small fraction of the whole work of the institution. It is carried on at a disadvantage, as the chronometers have to be transported from Tompkinsville to Washington for that purpose.

A small transit instrument for the rating of chronometers should be set up at Tompkinsville or at other important ports, and the chronometers should be rated there. This could be advantageously done by naval officers, who should also retain charge of the inspection of nautical instruments. Excepting these two divisions of the observatory's work, which occupy the time of only two officers, the entire work of the Naval Observatory is astronomical research.

Mr. Chairman, there are only two men employed in the observatory who do the necessary work in connection with the testing of instruments that are necessary for the use of the navy. All the additional expense, all the additional work, relates to astronomical observations.

Mr. COX of Indiana. Will the gentleman yield?

Mr. TAWNEY. Yes.

Mr. COX of Indiana. Does the gentleman think that if the observatory be transferred to the Smithsonian Institution it will accomplish two things, first, economy, and second, more efficient service?

Mr. TAWNEY. I do; most emphatically. I believe that by the consolidation of the two we would then obtain a national observatory that would be a national observatory and recognized as such throughout the world.

Mr. BATES. Mr. Chairman—

The CHAIRMAN. Does the gentleman desire recognition?

Mr. BATES. Yes.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania.

Mr. BATES. Mr. Chairman, the gentleman from Minnesota [Mr. TAWNEY], who has just taken his seat, states he knows of no reason why this consolidation should not be effected, and yet in the whole of his remarks he has given no reason why it should be effected.

Mr. TAWNEY. Except that it would be operated with less expense and greater efficiency.

Mr. BATES. He has just added that, because in the entire course of his remarks, although the chairman of the great Committee on Appropriations, he did not urge that it would be in the interests of economy. He admitted through the testimony he read in the investigation at the hearing held before the Committee on Appropriations that even now there was no duplication of installation nor duplication of research.

Now, I desire, Mr. Chairman, to make that as emphatic as possible in the minds of members of this committee that at present there is no duplication of installation or duplication of research, as this observatory is now maintained in the Navy Department. I desire again to urge that this is a necessary adjunct to the Navy Department.

Mr. SHERLEY. In what way?

Mr. BATES. It belongs there.

Mr. SHERLEY. What does it do?

Mr. BATES. It issues the Nautical Almanac, without which it would be impossible to navigate a single ship.

Mr. SHERLEY. Does that not apply as much to the merchant marine as to the navy?

Mr. BATES. I think so.

Mr. SHERLEY. Do you not know so?

Mr. McCALL. Does the gentleman think the maintenance of this large astronomical plant is necessary to get out the Nautical Almanac?

Mr. BATES. Oh, no; but the growth of this institution is approved by the entire country.

Mr. DOUGLAS. Will the gentleman yield to me, now that he is interrupted? Is not this true: That in comparison to the amount of money spent upon it and in comparison with its equipment that this observatory has really been unscientific compared with the installation and equipment of other institutions?

Mr. BATES. I am glad that the gentleman from Ohio has asked this additional question to those he has already asked. What is the purpose of this bill, Mr. Chairman? It is not to establish a naval observatory. That is merely surplusage. There has already been one established and in operation for sixty years, and under Prof. Simon Newcomb the research and investigation effected in the Naval Observatory was foremost among the observatories of the whole world.

Mr. SHERLEY. Can the gentleman tell us what law there is that authorizes it?

Mr. BATES. The object of this bill is merely to increase the efficiency of this observatory. How? By allowing the President of the United States to appoint, by and with the advice and consent of the Senate, a superintendent who may be from civil life. Why? Because under the present law often in the operation of promotions and appointments as superintendent of the Naval Observatory such officer may not be of

that high class and character and magnitude in the astronomical world as should be in charge of such an institution, and this power ought to be given the President in making the appointment at this great Naval Observatory. Now, the purpose of this bill is to increase the efficiency of this institution by permitting the President to go outside of the beaten paths, go beyond the appointment of naval astronomers, and go, if need be, into civil life and appoint a capable astronomer, one of the highest distinction, superintendent of this institution. That is the object, and that, Mr. Chairman, is the only object of this bill, to increase the efficiency of the Naval Observatory.

Mr. SHERLEY. Will the gentleman yield to me?

Mr. BATES. I yield to the gentleman.

Mr. SHERLEY. Can the gentleman state to the committee what law there is now authorizing the Naval Observatory?

Mr. BATES. I do not know that there is any.

Mr. SHERLEY. Then there is a change by this bill in making an authorization?

Mr. BATES. Only that it recognizes it in law.

Mr. SHERLEY. That is a very important change.

Mr. BATES. And, Mr. Chairman, the high class of work which this Naval Observatory has been doing in the past is a necessary feature of the Navy Department in not only issuing the Nautical Almanac, although based on the astronomical observations of the year, but it makes the corrections of all the chronometers and all the delicate instruments necessary for the sailing of the great war ships, and the ships of the navy are all dependent upon the observations taken by this observatory.

Mr. SHERLEY. Does the gentleman think it a good system to take all these instruments and bring them to Washington and have them tested, when they can be taken to and get the same work done at Tompkinsville?

Mr. BATES. That might be; but this is the standard test. I believe it is the very best system, and must necessarily be the best system.

Mr. SHERLEY. The gentleman is the first I have heard as entertaining that idea.

Mr. BATES. They are done more correctly there.

Mr. SHERLEY. But they can be tested equally well at Tompkinsville, and at a great deal less trouble and expense.

Mr. BATES. It is there for that particular purpose.

Mr. SHERLEY. Is that the one justification for keeping it in the Navy Department?

Mr. BATES. Not entirely.

Mr. SHERLEY. And I wish to say that that is one reason for getting it out of the Navy Department.

Mr. COX of Indiana. Will the gentleman allow me to ask him a question?

Mr. BATES. I certainly will.

Mr. COX of Indiana. The gentleman heard the gentleman from Minnesota say a moment ago, I believe, in the interest of both economy and efficiency, we should transfer the Naval Observatory to the Smithsonian Institution.

Now, what does the gentleman from Pennsylvania believe? Does he believe it would or would not be in the interest of economy and efficiency to transfer the Naval Observatory to the Smithsonian Institution? I should like to hear the gentleman in response to that.

Mr. BATES. I believe, Mr. Chairman, it would no doubt increase the expense to this Government if this observatory were so transferred. There must always be astronomical observations taken by the Navy Department, in the very nature of things; and to transfer this observatory to the Smithsonian Institution would, to my mind, increase the expense to the Federal Government rather than diminish it. It would not be taking away that function of the Navy Department, which necessarily and primarily belongs in that department.

Mr. COX of Indiana. The gentleman heard the gentleman from Illinois [Mr. MANN] read the amendment which he proposed to offer?

Mr. BATES. Yes.

Mr. COX of Indiana. Does not the amendment which the gentleman from Illinois proposes provide for doing the same identical thing that is proposed in this bill, in the same words?

Mr. DOUGLAS. In the same language.

Mr. COX of Indiana. And if it does, does the gentleman contend that it would be a duplication of work?

Mr. BATES. I do not think that question could be answered by an offhand "yes" or "no." I believe that the amendment, which has not been offered but which was read in the time of the gentleman from Illinois, is a very offhand suggestion, a scintillation of his brilliant mind, like others which he makes when he casts his eyes over the different bills which are proposed for action in this House. I do not believe it ought to be taken seriously until it has at least been considered by a com-

mittee of this House, that will take into consideration all sides of the question of the transfer of an important bureau of the Navy Department to some other department of the Government.

Mr. MANN. Not prying into the secrets of the Naval Committee, does the gentleman think that the Naval Committee gave as much time to the consideration of this bill as the Committee of the Whole has already given to it?

Mr. BATES. I will say to the gentleman, without betraying any secret, that it did; but it did not consider the transferring of a part of the Navy Department to some other department of the Government, because the committee believed, as I believe, that it belongs in the Navy Department, and that it ought to remain there and will remain there.

Mr. COX of Indiana. Now, supposing that the amendment read by the gentleman from Illinois should pass, does the gentleman believe for a moment that there would be anything like a duplication of astronomical work?

Mr. BATES. I do.

Mr. COX of Indiana. How, when his amendment proposes to do the same work in the same language as the bill now under consideration?

Mr. BATES. I will tell the gentleman: Because in the administration of any great portfolio of this Government the head of that department must be responsible for the work of that department.

Mr. COX of Indiana. Would the Smithsonian Institution be at the head of this work under the amendment?

Mr. BATES. The Secretary of the Navy is charged under the law and under his oath with the administration of the Navy Department.

Mr. COX of Indiana. Could he not administer it as a part of the Smithsonian Institution just as well?

Mr. BATES. An important function of the Navy Department is the Astronomical Observatory, and if the chronometers and instruments of the ships are to be tested and tried out and approved before they are installed upon the ships, they will continue to be tested and approved under the supervision of the Secretary of the Navy, who is charged under the law and his oath with the responsibilities of that great office, and we can not shift responsibilities in this way by taking away a necessary adjunct of the department and putting it into some other bureau or department of the Government. Let the responsibility of this part of the Navy Department rest where it belongs and where it now is, under the administration of the Secretary of the Navy.

I yield ten minutes to the gentleman from Ohio [Mr. KEIFER].

Mr. KEIFER. Mr. Chairman, I have listened with a great deal of interest to the proposition to proceed here on calendar Wednesday, in the midst of many other things that are pressing from committees on all sides, to take up and determine the question of what shall be the future of the Naval Observatory, long established in the District of Columbia. It has a history that is creditable to it in connection with the work it has had to do. That work is well understood, and now it is proposed by the distinguished gentleman from Illinois [Mr. MANN], without having had any previous consideration in a committee, to transfer that observatory to an institution that has a corporate existence.

Let us see, first, what this Naval Observatory is doing. The Naval Observatory has been from the beginning under the control of the navy, and properly so, because in its original establishment and in all the history of its maintenance the central idea was to do that which would enable the Government to furnish naval or marine charts of every kind and to correct chronometers and other naval instruments and to make various inspections of such instruments, to enable not only the Navy of the United States to sail the seas, but all of the merchant vessels of the ocean.

Now, the Naval Observatory has a superintendent who has general management of it. It has a director of the Nautical Almanac, a distinguished officer. It has a superintendent of compasses. What are compasses for but for use in sailing ships? Its principal work is naval in character. It has an assistant astronomer, Nautical Almanac officers, an assistant to the nautical-instrument department, and, of course, it has a librarian.

The object of this is to get together under the Navy Department, which has control if it, material and information which is essential not only to the mere science of astronomy but of benefit to the scientists in the United States and elsewhere, and it has been a great working machine for the benefit of the navy and for the merchant marine of this country.

Now let us see where it is proposed to take it. The gentleman from Illinois [Mr. MANN] says he would transfer it to the great scientific branch of the Government, that branch that was

established through a donation made by Mr. Smithson requiring that it should be an independent institution. The Smithsonian Institution was chartered and it belongs to that class, as you will find in the House Directory of independent institutions, for a certain purpose—for exhibits more than for scientific investigations.

Who constitutes this independent organization to which it is proposed to transfer the Naval Observatory of the United States? It has a presiding officer ex officio, and he is the President of the United States. He is expected, I presume, to manage and control and direct and guide in the great scientific work of the Naval Observatory when it is transferred. It has a chancellor, a most distinguished man of this country—Melville W. Fuller, Chief Justice of the United States. He would be one of those who would devote his time and labor to directing the Naval Observatory, making nautical almanacs, and be charged with correcting chronometers. [Laughter.]

Now, who are the officers of this institution? They are made up of the President, Vice-President, Chief Justice, Secretary of State, and other Cabinet officers.

Now, among the Regents of the institution we find Chief Justice Fuller, as chancellor; James S. Sherman, Vice-President of the United States; SHELBY M. CULLOM, a member of the Senate; HENRY CABOT LODGE, a member of the Senate; and Representative JAMES R. MANN, of the House of Representatives; JOHN DALZELL, also of the House of Representatives, just now chairman of the House Committee on Rules; and WILLIAM H. HOWARD, a Member of the House of Representatives, and so on down the line.

These are the people that are to take up this most delicate scientific work, and especially to devote themselves to the science of astronomy, surveyors of the stars and the heavens. I wanted simply to call attention to this. My distinguished friend the chairman of the Committee on Appropriations [Mr. TAWNEY] thinks that we ought to hunt up some other place than the Smithsonian Institution, or some other officer, and put this Naval Observatory under him. He is not very clear in saying where he would go with this old Naval Observatory. I think, Mr. Chairman, the time may come when we might establish an independent naval observatory for the United States. It may be proper to materially enlarge this great scientific institution, but that time has not yet arrived, or at least if it has arrived, we have not taken up the subject in such a way as to duly consider it.

The central object of the bill presented here is to allow the selection of the most distinguished man that can be found for Superintendent of this Naval Observatory, he to be selected on account of his experience and his attainments in astronomy, or whatever else is essential, and make a great and successful head for this Naval Observatory.

Now, one word and I am through. I believe that whatever may be done now or in the future, that in some way or other the Navy Department should have control of this Naval Observatory and that these things now being done should be done so that the navy may control that work and have power to see that the chronometers and other instruments essential to navigation inspected there shall be properly inspected, and all its work done as the Navy Department requires it. It is essential to the navigation of the seas by the navy of the United States and, generally, by the merchant marine. [Applause.]

Mr. BATES. I now yield five minutes to the gentleman from Massachusetts [Mr. WEEKS].

Mr. WEEKS. Mr. Chairman, I would like to ask the gentleman from Illinois [Mr. MANN] in my time if he is going to present the substitute that he has been discussing as a substitute for this bill?

Mr. MANN. Why, certainly I am. Otherwise why should I be discussing it?

Mr. WEEKS. I did not want to waste any time on it if the gentleman was not going to do that. Mr. Chairman, this is a method of legislation which does not appeal to me. Here is a proposition brought in here by the Naval Committee, at least wise to this sense, that it provides a permanent superintendent for the Naval Observatory. The gentleman from Illinois [Mr. MANN] now proposes to substitute for that a proposition to turn it over to an independent department, which is not directly connected with the Government, but which is run by a board of trustees, as has been well stated by the gentleman from Ohio [Mr. KEIFER]. Mr. Chairman, any statement that this observatory has not done a large and valuable national work in addition to the work which it has done for the navy is without any foundation whatever. The greatest astronomer that we have developed in the United States in all our history, one of the greatest astronomers who has been developed during the last hundred years, was Simon Newcomb, who devoted most of

his life work to the Naval Observatory. John R. Eastman and many other men of the highest quality have devoted their life work to that establishment. If we were to take for granted the statements that have been made here about its management, we would assume that officers of the line of the navy were running this observatory.

The only naval officer connected with it is the superintendent, with the exception of one officer who lost his leg while temporarily connected with the Smithsonian Institution, doing scientific work for that institution in the Rocky Mountains; he is so crippled that he can not go to sea. Other than that, the only naval officer connected with it, who is in the line of the navy, is the superintendent, and this bill proposes to replace him with a civilian, so that there shall be permanent tenure of office. The other people in important positions connected with this observatory are professors of mathematics of the navy, a corps which is devoted entirely to this service and to instruction at the Naval Academy.

I maintain, Mr. Chairman, that it would not save a dollar to transfer this observatory to the Smithsonian Institution, or to any governmental department. The same men would be employed and substantially the same work would be done. But the point I deprecate is that an institution which has done valuable work in many directions should be imperiled in Committee of the Whole on calendar Wednesday and a proposition made, without giving any consideration to it in any committee, to transfer it to some other department. The gentleman from Illinois [Mr. MANN], I understand, has not been before the Naval Committee and proposed that this change be made. The Navy Department itself has not been consulted and has not given any testimony for or against it. The Secretary of the Smithsonian Institution has not, so far as I know, expressed any opinion on the subject, and still it is seriously proposed to take this great institution, the Naval Observatory, which I admit should be called a national observatory which should have a permanent officer at the head of it, and transfer it to some other department, not a governmental department, but an independent institution like the Smithsonian Institution. Without any regard to the merits of the question, whether it would be better organized and produce better results in the Smithsonian Institution or not, I maintain that there is not a man on this floor who has information on which to base an intelligent vote, and there should be some testimony on the subject before it is seriously considered.

Mr. DAWSON rose.

Mr. BATES. Mr. Chairman, I reserve the balance of my time.

Mr. DAWSON. Mr. Chairman, I desire to be recognized in my own time. I ask unanimous consent that general debate on this bill close in ten minutes.

Mr. HOBSON. I would like to have five minutes.

Mr. MANN. The gentleman will get time under the five-minute rule.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that general debate on this bill close in ten minutes. Is there objection?

There was no objection.

Mr. DAWSON. Mr. Chairman, I yield five minutes to the gentleman from Alabama [Mr. HOBSON].

Mr. HOBSON. Mr. Chairman, I am entirely of the opinion of the gentleman from Massachusetts [Mr. WEEKS], who has just preceded me.

The question before us in the original measure is one of promoting the efficiency of the Naval Observatory. The question before us in the substitute offered by the gentleman from Illinois [Mr. MANN] is, as I understand it, to create a national observatory. I will say that I am in favor of a highly developed national observatory like the one at Greenwich, the one at Paris, the one at Rome, but I am not in favor of creating it as a part of a measure like the one reported from the Naval Committee. I am, further, not in favor of creating it without due investigation. There seems to have been some misapprehension on the part of Members here, judging from the general character of debate, as to the existing Naval Observatory. I note in particular the slighting remarks as to its astronomical work, also the impression that it may not command under the navy a high order of astronomical talent. Reference has already been made to the fact that one professor of mathematics, Simon Newcomb, has made the greatest name in this century for astronomical work.

Now, I would add to that that there are to-day in the corps of professors of mathematics five officers of promise as astronomers. I will refer to one of these in particular, who is now on duty at the branch naval observatory at Mare Island and has recently established a new theory of the solar system. I have

here the announcement of the coming publication of the second volume of his work on—

Researches on the Evolution of the Stellar Systems, Volume II: The capture theory of cosmical evolution, founded on dynamical principles and illustrated by phenomena observed in the spiral nebulae, the planetary system, the double and multiple stars and clusters, and the star clouds of the Milky Way, by T. J. J. See, A. M., Lt. M., Sc. M. (Missou.); A. M., Ph. D. (Berol.); professor of mathematics, United States Navy, formerly in charge of the 26-inch equatorial telescope of the United States Naval Observatory, Washington, D. C., more recently in charge of the United States Naval Observatory, Mare Island, Cal.; fellow of the Royal Astronomical Society; Mitglied der Astronomischen Gesellschaft; member of the London Mathematical Society; American Mathematical Society; Deutsche Mathematiker Vereinigung; Société Mathématique de France; Circolo Matematico de Palermo; American Philosophical Society held at Philadelphia; Washington Academy of Sciences; Philosophical Society of Washington; Academy of Sciences of St. Louis; American Physical Society; Société Française de Physique; fellow of the American and British Associations for the Advancement of Science; member of the British Astronomical Association; Société Astronomique de France; Astronomical Society of the Pacific; Seismological Society of America; National Geographical Society; honorary member of the Sociedad Astronomica de Mexico, etc.

Mr. MANN. Will the gentleman yield there? Is that part of the work of a necessary adjunct of the navy to which the gentleman from Pennsylvania referred?

Mr. HOBSON. I did not catch the gentleman's question. Will the gentleman get me more time to allow me to answer the question? Mr. Chairman, I ask two minutes more to complete my statement.

Mr. DAWSON. Mr. Chairman, I yield the gentleman two minutes more.

Mr. HOBSON. Mr. Chairman, the work of the Naval Observatory is of fundamental importance to the navy. Naval astronomical work deals with the astronomy of position as distinguished from that of general physical astronomy. We must have a naval observatory for this special astronomy of position, upon which is founded the Nautical Almanac and with which is associated the regulation of the chronometers and compasses of the navy. The Nautical Almanac issued by the Naval Observatory is the standard not only for the navy, but for our whole merchant marine. It locates the positions of the heavenly bodies and must command the resources of a well-equipped observatory and the service of specialized astronomers. The proper regulation of chronometers is at the very basis of navigation, upon which the safety of vessels depend. In this work in the time-ball service, as in the astronomical work of the Nautical Almanac, the advantages are shared by the merchant vessels of all nations.

Mr. TAWNEY. Will the gentleman yield?

Mr. HOBSON. I can not yield, having two minutes only.

The CHAIRMAN. The gentleman declines to yield.

Mr. HOBSON. The work of the Naval Observatory is of vital importance not only to the navy, but also to the Coast and Geodetic Survey. It is of great service to all the mariners of the civilized world. The substitute of the gentleman from Illinois makes no provision for a substitute for the Naval Observatory. If the present one is transferred to another department we will be compelled to found another for the navy, which would entail both increase of cost and loss of efficiency. There is no complaint that the Naval Observatory does not perform efficiently the work of the navy, for which it was established. The only complaint is that it does not do more of astronomical work of a general nature. The outside astronomers have cast covetous eyes upon the splendid equipment of the Naval Observatory, and it has become a fad with some Members to depreciate everything relating to the navy and to assume that men outside can do everything better than officers of the navy. I am in favor of the plan of the Naval Observatory being utilized as far as it can, without interfering with its naval work, for general astronomical work, and the bill reported by the Naval Committee is intended to attain this result, but I hope the astonishing substitute of the gentleman from Illinois will be promptly voted down. [Applause.]

Mr. DAWSON. Mr. Chairman, I hope we may proceed with the reading of the bill.

The CHAIRMAN. If there is no desire for further general debate, the Clerk will now report the bill.

Mr. PADGETT. Mr. Chairman—

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. PADGETT. To ask the gentleman from Iowa if he will yield to me.

The CHAIRMAN. There is five minutes remaining.

Mr. DAWSON. I will be very glad to yield the remaining time to the gentleman from Tennessee.

The CHAIRMAN. The gentleman from Iowa is not in control of the time; but the Chair recognizes the gentleman from Tennessee.

Mr. PADGETT. Mr. Chairman, I shall detain the House but a moment. I think this bill in its present form should be passed, and I do not favor the amendment suggested by the gentleman from Illinois. The Naval Observatory has grown up here very much like Topsy—"just grew"—under the appropriation bills.

One provision of this bill as reported simply legalizes or recognizes the existence of this institution under the statutes. Under the present conditions the President details either a captain or a rear-admiral as the superintendent of the observatory. This bill authorizes the President, by and with the advice and consent of the Senate, to select a civilian, if he sees proper. He still has the same power to detail or select a naval officer if he thinks the naval officer more competent and better fitted. But it simply gives to him the power to select a civilian and place him at the head of this great Naval Observatory if the civilian is better suited to do the work. I can see no objection to extending this authority to the President and allowing him to get the best man, either in the service or in civil life. And that is the whole of the bill.

Mr. SHERLEY. Will the gentleman permit just one question?

Mr. PADGETT. Yes, sir.

Mr. SHERLEY. When you are undertaking, as you are by this bill, to give a legal status to the Naval Observatory, do you not think that it is important to define clearly the scope of that establishment? And if the gentleman will permit right there, the gentleman will recall that whenever points of order are raised, for instance, in regard to various institutions like the Geological Survey, we have to go back to an old, antiquated act and put a forced construction on it in order to deal with present conditions. Now, when you are undertaking to legalize this observatory, ought not the House to pass a bill defining the scope of it and deal with the matter adequately?

Mr. PADGETT. This bill simply recognizes it in its present condition, and as it has grown up under the authority of the different appropriation bills.

Mr. SHERLEY. Except this, that at present it has no legal status, and you undertake now to give one in such general terms that no man will know just what would be in order on an appropriation bill touching the Naval Observatory.

Mr. PADGETT. Yes. The appropriations and the purposes of the appropriation have been defined and limited by the preceding appropriation bills, and this simply recognizes the institution as it has grown up under these bills.

Mr. RANDELL of Texas. As the matter stands now, is there any extra salary to the party having in charge this observatory?

Mr. PADGETT. No extra salary at all.

Mr. RANDELL of Texas. If a civilian were appointed, it would require an extra salary, would it not?

Mr. PADGETT. Yes; and then you could take a naval officer and put him afloat, where he is wanted.

Mr. RANDELL of Texas. Where is he needed?

Mr. PADGETT. He is needed badly afloat in the navy. We are a little over 800 officers short in the navy, even on a peace basis.

Mr. RANDELL of Texas. And all the officers are needed in the navy?

Mr. PADGETT. Why, yes, sir. We are on a peace basis, and 828 officers short in the navy to-day.

The CHAIRMAN. The time of the gentleman from Tennessee [Mr. PADGETT] has expired.

The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That there shall be a naval observatory located in the District of Columbia, which shall be under the control of the Navy Department. The President, by and with the advice and consent of the Senate shall appoint from civil life a superintendent of the naval observatory who shall be an astronomer of high professional standing, and shall be entitled to receive a salary of \$6,000 per year. The Naval Observatory shall continue to render to the Navy Department such service as is now rendered by it or required by law, and shall, in addition, make astronomical and other researches.

Also the following committee amendments were read:

In line 6 strike out the words "from civil life."

In line 7, after the word "observatory," insert the words "who may be from civil life and."

Mr. MANN. Mr. Chairman, I offer as a substitute to section 1—

The CHAIRMAN. The committee amendments will first be taken up. The gentleman from Illinois may have his substitute read.

The Clerk read as follows:

Strike out all of section 1 after enacting clause and insert: "That there shall be a national observatory located in the District of Columbia under the control of the Smithsonian Institution, and the

present Naval Observatory is hereby transferred to such institution from and after July 1, 1910. And the President may temporarily assign to duty with said observatory under the Smithsonian Institution the officials and persons now connected with the Naval Observatory. The national observatory shall continue to render to the Navy Department such service as is now rendered by the Naval Observatory or required by law, and shall, in addition, make astronomical and other researches."

The CHAIRMAN. The question is on agreeing to the committee amendments. Without objection, the vote will be taken on the amendments together.

There was no objection.

The question was taken, and the committee amendments were agreed to.

Mr. DAWSON. Mr. Chairman, I desire to offer an amendment, at the suggestion of the gentleman from Pennsylvania [Mr. DALZELL] and the gentleman from Indiana [Mr. CRUMPACKER], that the language of this bill might possibly establish another naval observatory. I desire to offer an amendment on page 1, line 3 of the bill, and send the amendment to the Clerk's desk.

The Clerk read as follows:

Page 1, line 3, strike out the words: "There shall be a" and insert in lieu thereof the word "the." In line 4, strike out the word "which."

The CHAIRMAN. The question is on the amendment.

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

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois.

Mr. SHERLEY. Mr. Chairman, while I am in perfect accord with the purpose of the substitute offered by the gentleman from Illinois, I believe that either the adoption of that or the passage of the bill without the substitute would be a mistake; and it would be a mistake because we would then be inadequately dealing with this subject. While the observatory ought to be placed, in my judgment, under the Smithsonian, there ought to be a definition of the scope of the work it is to perform, and there ought to be legislation in regard to the details of that institution in order that when we come to appropriate we may know the limitations of the institution, and with what moneys to supply it. I shall at the proper time, when the bill comes to the House, make a motion to recommit it back to the committee, that it may bring in legislation dealing with the matter fully. If the bill is to be passed now, it had better be passed with the substitute than as originally drawn. In my judgment it ought to be recommitted, and the House deal with the matter adequately.

Mr. TAWNEY. Just a word, in reply to the gentleman from Pennsylvania, and in reply to the gentleman from Massachusetts, who seem to attach a great deal of importance to the Naval Observatory as a necessary adjunct of the navy. I have great respect for the knowledge which the gentleman from Pennsylvania possesses regarding the navy and the navigation of vessels and matters connected therewith. But I am bound to give greater weight to the opinions of the previous Secretaries of the Navy, who were thoroughly familiar with that department and with the naval establishment, than I could possibly give to the remarks of the gentleman from Pennsylvania. I find that two very eminent Secretaries of the Navy, notwithstanding the opinion of gentlemen on this committee, who, I think, know more about farming than they do about the navy, in their annual reports have stated that there is no vital relation between the navy and the Naval Observatory. Secretary Long in his report of 1901, on page 27, says:

There is no vital relation between the navy and the observatory.

Boards of visitors have investigated this matter and reported, and the statement made in the annual report of Secretary Long was made after reviewing the report of the visiting board that year. Other scientific men have investigated it; and I find that the Academy of Science, at the request of the Secretary of the Navy, a number of years ago, in 1886, made an investigation as to the work of the Naval Observatory, and their report was adverse, as their last report made only a year ago was, that the Naval Observatory could be abolished in the interest of the public service.

Now, I am not in favor of abolishing the observatory, but I do believe that inasmuch as there is no practical relation between the observatory and the navy that by establishing a national observatory and equipping that observatory for the scientific work institutions of that kind are expected to do we will have an observatory that will furnish to the navy and to all the other departments the scientific knowledge and information necessary. The research work of an institution of that kind would be in keeping with the scientific work of other institutions of the Government, and one we will not hereafter have to apologize for, as we have in the past for the work of the Naval Observatory.

Mr. SOUTHWICK. Mr. Chairman, in opposition to this measure I desire to send to the Clerk's desk and have read a report from the Naval Committee in the Fifty-second Congress, by Mr. HENRY CABOT LODGE, in opposition to this entire scheme.

The CHAIRMAN. Without objection, it will be read in the time of the gentleman from New York.

The Clerk read as follows:

House bill 3996, providing for a change in the management of the Naval Observatory, together with various petitions in favor of such a change, has been considered by the Committee on Naval Affairs, to which it was referred.

Your committee has had hearings upon the subject, and after the most careful consideration has reached a decision adverse to the bill. The subject is one of such importance, however, that your committee feel that they owe it to the House, to the petitioners, and to the public to state the reasons which have led them to decide with unanimity against the measure.

The first argument against the transfer of the Naval Observatory to a civil superintendency is the fact that the institution was founded, has been fostered, and has reached its present condition through the efforts of naval officers and of naval officers alone. This institution began in 1842 as a mere place of deposit of charts for the navy, and it now takes rank with the finest and best equipped observatories in the world. Every step of this advance has been due to the direct act and influence of naval officers.

The institution from the first has had for its superintendents men of recognized ability and standing in the scientific world. Among them we find Gillis, an astronomer of first-class reputation; Maury, whose scientific writings are still known and appreciated; Davis, an officer of eminent scientific attainments; Sands, who served as an assistant in the very earliest days of the institution, through whose earnest efforts it was equipped with what was then the largest telescope in the world, and whose seven years of superintendency saw the observatory take the highest rank among institutions of learning; then Davis came again, and he was followed by Rodgers, to whose efforts is due the purchase of the new site and the first plan of the new buildings. All these are names of naval officers who were men of eminence in the scientific world.

It is unnecessary to recall the names of the more recent superintendents, for those already given prove the fact that the education of the naval officer fits him primarily for the pursuit of exactly that class of scientific work which may, should his tastes so incline, enable him to pursue the practice and study of the science of astronomy in connection with the regular duties of his profession. It is not claimed that among naval officers may be readily found scientific men of the highest genius in original research, but it is true that naval officers of scientific attainments are always to be found, and these officers also bring to the administration of an institution like the observatory the valuable qualities of executive experience which fit them to manage an institution of this kind. It must be remembered, too, in considering this question, that the fundamental principle of a government observatory lies in the fact that the character of the work is such as belongs exclusively to a government institution, and is of a kind which is rarely undertaken in private observatories.

The present effort on the part of civil astronomers to obtain control of this institution is by no means the first. As early as 1870 a movement was set on foot to deprive the navy of the control of the institution which it had founded, although the originators of that movement admitted the eminence and abilities of the officers who had up to that time acted as superintendents and based their arguments on the express fear that that high standard would not be maintained in the future. In answer to this proposition Admiral Sands, who was then the superintendent, wrote:

"In the first place, it is assumed in the petition that this is the national observatory. It is the Naval Observatory, founded and fostered by the Navy Department, and I can assure you that any effort to change its status will be opposed by that department. * * * It is again assumed that it has failed completely of its objects because the superintendent is a naval officer, whereas naval officers have brought it to its present prominent standard. The publications testify that it has not retrograded under the naval administration; and another evidence of its good position in astronomical science may be seen in the many aspirants for the superintendency outside of the navy. That changes have been made is surely not the fault of the institution, but rather its misfortune from casualties beyond the control of the department. Captain Gillis would at this time have been the superintendent were he living. (Captain Gillis died while superintendent of the observatory in 1866.)

"Admiral Davis would most probably have continued here had not the emergencies of the service called him away. (Admiral Davis succeeded Admiral Sands in 1874, and died at the observatory in 1877.) In all these casualties the working force of the observatory has been maintained. * * * The first years of its existence were scarcely more than a struggle, * * * but since that time it has been steadily advancing amongst scientific institutions; * * * as to competing with professional astronomers of Europe, our correspondence with foreign observatories shows that this institution is appreciated and has a good reputation among scientists abroad, which the naval administration still hopes to preserve."

On Admiral Sands' retirement from active service in 1874, Prof. Joseph Henry, secretary of the Smithsonian Institution, president of the National Academy of Sciences and member of the Transit of Venus Commission, wrote him a letter in which he thanked him in the name of the academy and of the Nation for the high services which the admiral had rendered to the cause of astronomy, and in which he congratulated him on two events which had occurred during his administration of the observatory—the purchase and erection of the great equatorial and the appointment of a commission with a liberal appropriation to provide for the observation of the transit of Venus. Professor Henry closed his letter with these words:

"For these services, although in the retirement of private life, you will be held in grateful remembrance by the lovers of astronomy not only in this country, but in every other part of the civilized world where this noble science is cultivated."

This contemporaneous opinion of a man of the highest scientific rank may be set against the assertion now made by the petitioners in this case that the naval superintendents of the observatory have been unknown to science.

The appointment of Admiral Davis to succeed Admiral Sands silenced for a time the opponents of naval administration, but on Admiral Davis's death, in 1877, another effort was made to secure a civil appointment, although no bill was introduced in Congress for that pur-

pose. This effort was frustrated by the prompt action of the Navy Department, which received the earnest support of Prof. Benjamin Peirce, then the most eminent astronomer and mathematician in the world. Professor Peirce himself had had experience in the administration of the affairs of the Coast Survey, of which he had been superintendent for several years, and to which he was then consulting geometer. Professor Peirce was not only a man of genius, but of sound practical sense in everyday affairs. He had resigned the office of superintendent of the Coast Survey, and he had done so on account of the deliberate conviction based on his own personal experience, that the qualities which led to the highest attainments in the paths of scientific research were exactly those which would tend to unfit a man for the administration of the executive affairs of such an institution. This opinion was shared by many other scientific advisers of the Government, members of the National Academy of Sciences, and the result of their advice was the appointment of Rear-Admiral Rodgers, the senior officer on the active list of the navy, as superintendent of the observatory, it being understood that Admiral Rodgers combined with high rank a scientific reputation of no mean order and executive abilities of the highest class. The result of this appointment fully justified the choice.

Turning from the affairs of our own observatory, a lesson may be drawn from the experience of one of the great European institutions of astronomy. Under the encouragement to the progress of learning which was given during the reign of the Emperor Napoleon III, the most eminent astronomer in France and one of the most striking mathematical geniuses that the world has ever seen, the man who by his unaided calculations determined the existence and fixed the orbit of the then unknown planet Neptune, was by undisputed right of his genius appointed director of the Imperial Observatory in Paris. Such, however, were the irregularities and so great was the inefficiency displayed in the management of that institution that he was dismissed, and was only reappointed under stress of the most strenuous arguments in support of his preeminent scientific qualifications.

On Leverrier's death the French Government, then a republic, sought to gain by a study of the experience of foreign government observatories the best means of securing the efficient administration of his own. It was then that the French Government, guided avowedly by the experience gained at the United States Naval Observatory, by its rapid advancement from a position of insignificance to the highest rank among the astronomical institutions of the world, and by the prosperity, tranquility, and economy which had marked its administration under naval authority, deliberately adopted our principle and appointed to the directorship of the national observatory a naval officer of scientific attainments. The French observatory has remained under naval administration ever since.

The United States Navy Register shows to-day names of officers in every grade whose aptitude and attainments are a sufficient guaranty to the Nation that if the superintendent of the observatory should be selected wisely and carefully from among them the labors of the observatory would not cease to respond to the expectations of an educated people, who are and always have been liberal to a degree unknown in other countries in all matters relating to the progress of learning and science. These officers, moreover, are certain to uphold with pride an institution founded, fostered, and made great by their own predecessors in the service.

In addition to these general considerations it must also be remembered that an important part of the work of the observatory pertains exclusively to the navy. It is there that the chronometers of the navy are adjusted and regulated, and it seems clear to your committee that this work should be controlled by officers of the service for whose benefit it is performed. Any other arrangement would be likely to lead to confusion and conflict between the interests of different departments.

Your committee, in conclusion, desire to draw special attention to the fact, already alluded to, that a government observatory exists under widely different circumstances from a private one, not only in the character of the work to be done, but in the conditions of successful management. In the case of a government observatory, it seems to your committee that greater economy is secured by having the superintendent taken from the officers of the navy, whose position, pay, and importance are in no wise dependent upon the particular institution of which they have charge. This, your committee thinks, has been shown by experience, and they believe that, while extravagance would thus be prevented, efficiency need not be impaired, but that, on the contrary, better executive administration, on the whole, would be obtained. Your committee recognize the fact that care will be necessary in the selection of a superintendent, and that it will be impossible to expect the highest scientific efficiency if no attention is paid to the peculiar needs of the post, and if the observatory is merely placed in charge of the first officer on the list of adequate rank who is entitled to a turn of shore duty. Superintendents should be chosen with an especial view to their scientific attainments, and when such a man is secured, the rule giving only three years' service at a post should be relaxed, for a long term of service would be of great importance in securing the desired results.

Experience has shown, and no one will dispute the fact, that there are many naval officers who even if they are not practical astronomers are yet possessed of sufficient scientific attainments to enable them to appreciate the requirements of scientific inquiry and to organize the work of the observatory with the highest efficiency and in such a manner as to obtain the best results, if they are allowed to remain in charge for a proper time. If such men are taken, it seems to your committee that the best results will be secured and the public interest best served.

With these views as to the objections to the proposed change, and with the belief that the best interests of the Government and of scientific work can be most surely promoted by keeping the observatory under the control of naval officers, your committee recommend that the bill do not pass.

Mr. DAWSON. Mr. Chairman, I would like to ask the gentleman from New York a question, if I may. Can the gentleman give us the date of that report?

Mr. SOUTHWICK. It was made in the Fifty-second Congress, first session.

Mr. DAWSON. Twenty years ago. Can the gentleman tell us who was in control of the Naval Observatory at that time?

Mr. SOUTHWICK. The same old proposition is involved. I am not indulging in any personalities. The general proposition is rounded out and developed by Mr. Lodge in that statement.

Mr. DAWSON. That does not answer my question.

Mr. SOUTHWICK. I am not informed as to the personnel of the Naval Observatory at that time. I understand that there

were many eminent astronomers developed from the ranks of the naval officers.

Mr. BATES. Mr. Chairman, I move to strike out the last word. I have here a report made by an officer of the Navy Department, and I desire to read a few words from this statement for the information of the committee:

The Naval Observatory has grown up under the Navy Department from small beginnings to its present importance because it has, for the last sixty years, been absolutely necessary to that department of the Government. Ships could not be navigated without the use of the American Ephemeris and Nautical Almanac, and the observations necessary for the obtaining of the data contained in that publication, and all the reductions and computations necessary for giving the heavenly bodies their exact position are carried on by the observatory. The absolute necessity for this work is insisted upon by scientific men and by all practical sea-faring men. That it belongs properly to the Navy Department must be evident from the fact that the navy has a great fleet of war ships for whose safety it is responsible, and feeling as no other department could, the vital necessity for the highest obtainable degree of accuracy in the data upon which the safety of its fleets depend, it has preferred to perform and to guarantee this work for itself, rather than to trust it to some other department not personally interested. To anyone who knows anything about navigation, it is evident that the data given in the publications of the Naval Observatory must be accepted without question, and as a matter of fact no person has ever sought to trace the wreck, loss, or destruction of any vessel to a blunder in its publications.

The so-called fundamental or standard stars are those whose past and present places are well enough known so that this can now be done. But unless the observation of these stars is continued, their predicted places will decrease in accuracy from year to year. Indeed, the places of few of them are as well determined as they should be even now, and besides the number of fundamental stars, ephemerides of whose apparent places are printed in the American Ephemeris from year to year should be increased, especially in certain parts of the sky.

Now, I pass to another part of this report, as to the correction of nautical instruments:

NAUTICAL INSTRUMENT DIVISION.

This division purchases and issues to vessels of the navy all the astronomical, mathematical, surveying, and optical instruments used by vessels of the navy. As these instruments are scientific, they require to be inspected, verified and accepted by men of scientific attainments, and whose one object is to secure instruments which can be absolutely trusted, and who are thoroughly familiar with the needs of sea-going or surveying ships. The instruments used at the observatory for inspecting the instruments bought for issue to the service are better than those possessed by any firm of instrument makers, and when used by men of special training and experience it is enough to standardize the instruments used by the navy. There can be no question but that this work is a responsibility resting upon the Navy Department itself.

Again:

FINAL.

While the Naval Observatory was founded and is maintained as a necessary adjunct of the Navy Department and has performed its duties in such a manner as to reflect credit on itself and the Navy Department, it could not publish the result of its labors without being of immense benefit to other branches of the Government, to the commercial and shipping interests, to science, and to the world at large. The work of the observatory has been applied to so many of the practical affairs of life that many persons forget that while it is a great convenience and benefit to others, it is a necessity to the Navy Department.

Emphasizing, Mr. Chairman, the point I have already endeavored to make, that the responsibility of the Navy Department must rest under the observation, under the care, under the superintendence of the Secretary of the Navy, who is charged with that responsibility. I withdraw my pro forma amendment.

Mr. LONGWORTH. What is that document from which the gentleman has been reading?

Mr. BATES. A report from the Navy Department on this bill.

Mr. ENGLEBRIGHT. Mr. Chairman, there is very little in this discussion that is in favor of the amendment of the gentleman from Illinois [Mr. MANN]. He has made a new proposition, to take from the Navy Department the control of the Naval Observatory.

All admit that this observatory has properly been under the Navy Department ever since its organization. They now propose to put it under the Smithsonian Institution, but there has not been a word said in this House that shows that that institution is in any way qualified to take charge of the Naval Observatory. The officers of the navy are the men who use the practical results of the Naval Observatory. There are other observations and investigations which are purely of a scientific nature, and in which the people of the United States and the world at large are interested; and so far as I can see, we have only got one department of the Government that is capable of taking charge of that observatory, and that is the Navy Department. I hope the amendment of the gentleman from Illinois will not prevail.

The CHAIRMAN. The question is on agreeing to the substitute offered by the gentleman from Illinois.

The question being taken on a division, there were—ayes 26,

noes 61.

Accordingly the substitute was rejected.

Mr. MANN. Mr. Chairman, I move to strike out "six" and insert "five" where it fixes the salary of the superintendent.

The CHAIRMAN. In line 9, page 1. The Clerk will report the amendment.

The Clerk read as follows:

Line 9, page 1, strike out "six" and insert "five."

Mr. MANN. Mr. Chairman, the argument made in favor of \$6,000 a year salary is that that is the salary paid to the Superintendent of the Coast and Geodetic Survey and to the Superintendent and Director of the Geological Survey.

So far as the administrative responsibilities are concerned there is no comparison between the superintendent of the observatory and the other two places. If this observatory had been placed under the Smithsonian Institution, that institution could have secured a perfectly competent superintendent at a salary of \$4,000, the highest salary that is paid in the Smithsonian Institution, aside from the secretary.

Now, here is a proposition to pay \$6,000 salary to the Superintendent of the Naval Observatory, which, if paid, will lead certainly to the raising of salaries all along the line.

Mr. HINSHAW. Does the gentleman know how much salary Professor Hall, who now seems to be in charge of the Naval Observatory, receives?

Mr. MANN. I do not know, but whoever is in charge of the Naval Observatory now receives a naval salary, not a salary based upon salaries paid in civil life. I think the present superintendent receives \$5,000 in a naval capacity.

Mr. STAFFORD. Has the gentleman any information as to the salaries paid to observers in privately endowed institutions?

Mr. MANN. Oh, I have not sufficient information to state what some of these gentlemen may obtain. I do not know what salary is paid at Williams Observatory, in Wisconsin, or at the great observatory in California; but this I do know, that you can obtain equal service for less money working for the Government than you can for any private institution, because the honor that goes with the government service is greater than it is at a private institution.

Mr. STAFFORD. I do not think the observer at any large observatory receives a salary of \$6,000, but that the average would be much under \$5,000.

Mr. MANN. I have no doubt of that, but there is no comparison with the administrative responsibility in this office and in the superintendency of the Coast and Geodetic Survey and of the Geological Survey. They are responsible for the expenditure of large sums of money and receive some salary based upon that.

Mr. TAWNEY. It has the administration of a very extensive service.

Mr. MANN. Yes; unless we start in to pay undue salaries in all scientific positions, it seems to me that \$5,000 is ample.

Mr. STAFFORD. Let me remind the gentleman that in a bill reported by the same committee they limited the salaries so that the total aggregate would not be \$5,000.

Mr. DOUGLAS. Will the gentleman from Illinois allow me one question?

Mr. MANN. Yes.

Mr. DOUGLAS. Is it not a fact that the superintendent of the Naval Observatory is furnished with a handsome residence at the expense of the Government?

Mr. MANN. He is now, while a naval officer.

Mr. TAWNEY. I want to state that Prof. George E. Hale, who is in charge of the Mount Wilson Observatory, receives a salary of only \$4,000 a year.

Mr. MANN. And he is one of the greatest living astronomers.

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

Mr. MANN. Certainly.

Mr. HAMMOND. Will the gentleman state what salary the superintendent of the observatory now receives?

Mr. MANN. The present officer receives \$5,000.

Mr. HAMMOND. And you propose now, by this amendment, to pay the superintendent taken from civil life the same salary?

Mr. MANN. I propose to make it \$5,000, instead of \$6,000, as in the bill.

Mr. TAWNEY. The pay of the superintendent now depends upon his rank as an officer.

Mr. DAWSON. The superintendent preceding this one received a salary of \$6,000.

Mr. PADGETT. If the superintendent be a captain, he receives one salary, and if a rear-admiral, another.

Mr. MANN. The report on the bill states that if the officer be a rear-admiral and assigned to this duty, he would draw a salary of not less than \$6,000 a year; and if he was captain and assigned to this duty, he would draw \$5,000 a year. I believe the present officer is a captain.

Mr. HAMMOND. Are there also allowances made to the present superintendent that would not be allowed if he were a civilian?

Mr. MANN. They have quarters, I suppose, and a civilian would get the same quarters, as far as that is concerned.

Mr. HAYES. And there are other allowances if he is an officer of the navy, are there not?

Mr. MANN. I think there are not many other allowances if he has quarters.

Mr. ROBERTS. I understood the gentleman from Illinois to say that none of the scientists receive \$4,000 except the secretary in the Smithsonian Institution. Will the gentleman inform the committee what officer in the Smithsonian Institution receives the highest pay?

Mr. MANN. I believe the secretary receives \$7,500.

Mr. WEEKS. Will the gentleman from Illinois yield?

Mr. MANN. I will yield to the gentleman.

Mr. WEEKS. There are two officers stationed at the Naval Observatory who have the relative rank of commander—professors of mathematics, I am speaking of—two lieutenants, and one with the relative rank of captain, who is on the retired list. The pay of the latter is \$4,000, plus 40 per cent, which would be \$5,600. The commander's pay is \$3,500, plus 40 per cent, which would make \$4,900. So, there are certainly three officers stationed there who would receive more than \$4,000, and one that would receive \$5,600.

Mr. MANN. I will leave the gentleman to dispute with the distinguished gentleman from Iowa who made the report. Inadvertently I took the statement in the report to be correct, as the gentleman from Iowa is usually correct. [Laughter.]

Mr. DAWSON. If the gentleman from Illinois will permit me, the report states that the pay of a captain on this duty is \$5,000 a year.

Mr. MANN. But the gentleman from Massachusetts says that it is \$4,000 plus 40 per cent.

Mr. WEEKS. If the gentleman from Illinois had been listening—

Mr. MANN. The gentleman from Illinois was listening.

Mr. WEEKS. The gentleman from Illinois did not hear the gentleman from Massachusetts correctly. The gentleman from Massachusetts was trying to point out that there would be three officers on duty at the Naval Observatory who would be receiving more pay than the person would receive as superintendent if the gentleman's amendment is adopted.

Mr. MANN. The gentleman from Massachusetts himself does not know what the amendment is.

Mr. WEEKS. I beg the gentleman's pardon, I heard it read.

Mr. MANN. Will the gentleman state what it is?

Mr. WEEKS. I will when I get ready to be quizzed by the gentleman from Illinois. [Laughter.]

Mr. MADDEN. The gentleman from Massachusetts does not undertake to say that the present superintendent would remain there if anybody else was appointed?

Mr. WEEKS. I did not say that anybody was getting \$5,000 as superintendent. I said that an officer on duty under the superintendent would get \$5,600 a year.

Mr. MANN. Well, Mr. Chairman, it is immaterial to me. It may be that salaries there are so extravagant that nobody dares to stand for them when they become public.

Mr. HOBSON. Mr. Chairman, I hope before very long to see a most careful revision of all salaries paid to employees of the Government, and I hope myself to have a little part, perhaps, in investigating those that come under the naval administration. I wish to say that I am fundamentally for economy, but if the gentlemen favoring the amendment will consider that by their own statements this observatory is equipped for and will be expected to do the work of a great national observatory, we will have to command the highest talent of the country. It is now a question of providing for the highest officer of that observatory. I believe we would find with that institution, as with the Smithsonian Institution, or the observatory at Harvard, or any other first-class institution as we have found with the Weather Bureau, the Coast and Geodetic Survey, the Geological Survey, that we can not permanently command the highest talent on a salary of \$5,000. I believe that the salary fixed at \$6,000 is very conservative, and that at this juncture we ought not to adopt the amendment offered by the gentleman from Illinois [Mr. MANN].

Mr. DAWSON. Mr. Chairman, I desire to speak just a moment in opposition to the amendment offered by the gentleman from Illinois [Mr. MANN]. I hold in my hand a report of the Board of Visitors to the United States Naval Observatory, the most thorough report, probably, that has ever been made to Congress on the subject of this institution. This report was made

by a committee at the head of whom was ex-Senator William E. Chandler. The next man on the board was the Hon. A. G. Dayton, formerly chairman of the Committee on Naval Affairs in this House—

Mr. MANN. Never. The gentleman must be more accurate than that.

Mr. HINSHAW. He was the ranking member of the committee, but not the chairman.

Mr. DAWSON. And three eminent professors. This Board of Visitors made an exhaustive study of conditions at the Naval Observatory and submitted an elaborate report and recommendations. In the course of their recommendations, on page 9 of this report I read:

The Board of Visitors recommends the following as a schedule of salaries which could be expected to attract astronomers of the class desired: Astronomical director, \$8,000 per year; director of the Nautical Almanac, \$5,000—

And so forth.

These recommendations were made after they had recommended that this institution be provided with a competent astronomer in immediate supervision of the work, as proposed in this bill. The report then goes on to state the salaries of first, second, third, and fourth astronomers, at \$4,000, \$3,600, \$3,200, and \$2,800, respectively, and first, second, and third assistant astronomers, at \$2,400, \$2,200, and \$2,000, respectively.

Mr. GOULDEN. Will the gentleman tell us the date of that report?

Mr. DAWSON. Eighteen hundred and ninety-nine. They recommended \$6,000 a year for the superintendent of this observatory. I will say that that sum is fairly comparable to the salaries paid to the heads of the great national observatories in other parts of the world.

Mr. STAFFORD. Has the gentleman any information as to the salaries paid by private observatories?

Mr. DAWSON. I spoke of the national observatories, and not of the private.

Mr. STAFFORD. We are now talking about putting a civilian at the head of this, and it is a question of whether we can obtain the right character of man for \$5,000.

Mr. HUGHES of New Jersey. Mr. Chairman, I trust that the amendment offered by the gentleman from Illinois will not prevail. I hold in my hand a copy of the report brought in by the committee with this bill, and it contains a quotation from the message of President Taft on this subject, and in that quotation there is the following statement:

The generosity of Congress has provided in the present Naval Observatory the most magnificent and expensive astronomical establishment in the world.

So much for the character of the Naval Observatory. Further down in the quotation the President uses the following language:

I urge upon Congress that the Naval Observatory be now dedicated to science, under control of a man of science, who can, if need be, render all the service to the Navy Department which this observatory now renders, and still furnish to the world the discoveries in astronomy that a great astronomer using such a plant would be likely to make.

Mr. Chairman, it seems to me that it would be the height of foolishness to limit upon a plea of economy the salary of a man at the head of an institution of this kind. According to what President Taft states, we have already gone to great expense in this matter. We have built up this observatory and equipped it with splendid and most expensive instruments, and from what I have been told of it, it is in a position to gather information valuable not only to mariners in general and the Navy Department, but to add to the scientific knowledge of the whole world. In my judgment it is only fit and proper that the head of an institution of that kind should be a man of great scientific and intellectual equipment, a man of learning and ability. So far as I am concerned, I do not think that the salary suggested by the committee—\$6,000—is at all too large for such a man. My only fear is that such a man may not be appointed, but over that, of course—

Mr. TAWNEY. Will the gentleman from New Jersey permit me to interrupt him?

Mr. HUGHES of New Jersey. Why, of course.

Mr. TAWNEY. Is the gentleman basing his judgment as to the highest compensation these men should receive on his knowledge of the character and scientific work which he must do or basing it upon the salaries paid to men in other institutions for like services?

Mr. HUGHES of New Jersey. Well, I think that—

Mr. TAWNEY. Either one of those two or neither of them?

Mr. HUGHES of New Jersey. Well, I think that the salary of \$6,000 can be justified from either standpoint.

Mr. TAWNEY. The best astronomer in the United States, if not in the world, at Mount Wilson, receives \$4,000.

Mr. HUGHES of New Jersey. Well, then, the best astronomer in the United States is being grossly underpaid, in my judgment. [Applause.]

Mr. TAWNEY. He is satisfied.

Mr. DAWSON. If the gentleman will permit me, ten years ago the head of the observatory at Harvard received \$5,000, and I have no doubt it has been materially increased since that time.

Mr. HUGHES of New Jersey. Now, the gentleman from Minnesota is an expert on a great many matters, and I will submit to his good judgment as readily as anybody in this House. I always try to vote with him when economy is involved, but I do not think he is an expert on astronomy; at least I never heard him make that claim. I do think that the mere fact that, in the interest of economy, he thinks this salary should be reduced should not control this committee. Here is a man in charge of what the President says is one of the most expensive, elaborate, and magnificent stations of its kind in the whole world.

Mr. DAWSON. May I interrupt the gentleman simply to state that the value of that Naval Observatory as it stands today is \$1,500,000?

Mr. HUGHES of New Jersey. Well, I thank the gentleman for the suggestion. My point is simply this: We have gone to this expense. They have been doing the work heretofore at that Naval Observatory. I am familiar, in so far as an ordinary layman can be familiar, with the very abstruse and highly technical work that is carried on there—I say in that sense I am familiar with the work they do—and I know they are honest, faithful public servants, intensely interested in their work and the researches they are making. [Applause.]

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. BATES. Mr. Chairman, if the question is asked why the committee fixed the salary at \$6,000, I would answer that it is in conformity with the salaries of many of the heads of the other bureaus of the Government—the Commissioner of the Bureau of Pensions, for instance. The Commissioner of Patents receives, I am told, \$6,000, and the head of the Coast and Geodetic Survey receives \$6,000; the Director of the Geological Survey, \$6,000; and so on down through the different departments of the Government the heads of bureaus receive that salary; and in addition to that it may be said that this requires a man of the highest scientific education, natural ability, and qualifications for the work. It does not require a man of great scientific research to be, perhaps, Commissioner of Pensions or direct some of the other commissionerships under the departments of this Government, but the head of a bureau like this requires a man of high attainments, learning, and distinction in that particular walk of life, and that is an additional reason why he should at least receive the usual salary paid to heads of bureaus under the different departments of the Government. To obtain the proper man, we may have to attract him from some great institution.

Mr. MANN. Will the gentleman yield? The gentleman says the committee fixed this because it wished it to conform with other salaries, like the Commissioner of Pensions, the head of the Patent Office, and so forth.

Mr. BATES. The heads of some of the bureaus.

Mr. MANN. The gentleman, as I understand, stated the salary of the Commissioner of Patents was \$6,000.

Mr. BATES. So I understood.

Mr. MANN. The gentleman is mistaken, and the gentleman has another understanding coming. The gentleman also stated the Commissioner of Pensions receives \$6,000.

Mr. BATES. I was so informed; that is the information just given me by a member of the Committee on Appropriations, who sits near me.

Mr. MANN. Now, as the gentleman acted upon the erroneous information and has since found out the officers receive only \$5,000, is the gentleman now willing to reduce his recommendation, as the basis upon which the salary was fixed before is found to be erroneous?

Mr. BATES. I will refer, then, to the institution of which the gentleman is a regent; the head of the Smithsonian Institution receives \$7,500 a year.

Mr. MANN. Oh, well, he is the head of a great department; he is not the head of a bureau.

Mr. BATES. So are these other men.

Mr. MANN. So are these other men. The Commissioner of Pensions gets \$5,000, the Commissioner of Patents gets \$5,000, and the gentleman sees the information upon which he says the committee acted was erroneous, of course, when he says they get \$6,000.

Mr. BATES. The answer to that is that they do not get enough.

Mr. MANN. There is no answer to it.

Mr. BATES. Oh, yes. The gentleman's salary was only \$5,000 a few years ago. The salaries of heads of bureaus, Mr. Chairman, that have been fixed by Congress within the last eight or ten years have been uniformly \$6,000. The Director of the Geological Survey receives \$6,000. Does the gentleman deny that?

Mr. MANN. I called the gentleman's attention a while ago to the fact that there were two directors, the Director of the Geodetic Survey and the Director of the Geological Survey, who receive \$6,000, and those are the only two who receive that amount, and there are 50 bureau chiefs under the Government receiving less than that sum of money.

Mr. BATES. I say that the salaries of these bureau chiefs, which have been fixed during the last five, six, or eight years, have been fixed at at least \$6,000, and that the reason for this being fixed at \$6,000—

Mr. HAMMOND rose.

The CHAIRMAN. Does the gentleman yield?

Mr. BATES. Yes.

Mr. HAMMOND. Is it not true that only a short time ago the committee brought a bill into this House for the establishment of a bureau of mines and fixed the salary of the director of that bureau at \$6,000?

Mr. BATES. I think so. I believe the gentleman is correct.

Mr. HAMMOND. And the House by amendment reduced it to \$5,000?

Mr. BATES. That is possible.

Mr. TAWNEY. Not only possible, but it is right.

Mr. MANN. The Committee on Naval Affairs, I presume, have not learned that, because they were busy making up the naval appropriation bill.

Mr. BATES. The House can reduce this to \$3,000 or some such amount if they see fit to do so, but no eminent astronomer or scientist can be obtained at any such figure to head this great Naval Observatory.

Mr. BUTLER. I will say to the gentleman from Illinois I voted for \$5,000, and I am not averse to paying them \$5,000.

Mr. TAWNEY. Mr. Chairman, I do not think that this House is justified in fixing the salary of the head of the Naval Observatory on the basis of what some other man in the government service receives. That should not be the only consideration in the determination of the salary we authorize for this man. Now, the total expenditure on account of the Naval Observatory is \$53,000. The total expenditure on account of the services performed by the gentlemen who receive \$6,000 is ten times that amount, and more in some instances. They have responsibilities in relation to public expenditure and public administration that the Superintendent of the Naval Observatory knows nothing about. The total appropriation for the Naval Observatory carried in the legislative, executive, and judicial appropriation bill is \$43,000, and then \$10,000 is carried in the naval bill for the improvement of the grounds of the observatory, and they propose to give this amount on the basis on which they are comparing the salary of other men, \$6,000 to administer the expenditure of \$53,000, \$43,000 of which is statutory salaries.

What do we pay in the Naval Observatory to the men who are doing the work there now—the astronomers? We pay for three assistant astronomers \$2,400 a year. Now, then, you propose creating a difference between the salary of the assistant superintendent and the superintendent in charge of \$3,600, thereby laying the foundation for increases of salary in the entire personnel of the observatory.

Mr. DAWSON. Does the gentleman intend the House to understand that there are no men in the observatory between the superintendent and these assistant astronomers?

Mr. TAWNEY. Well, if you are going to put an astronomer in charge of the office, as proposed in this bill, then I say that the men between the chief astronomer and the assistant astronomers must be some one whose duties are entirely different from those relating to astronomy. I should suppose, of course, that the assistant astronomers would be next to the chief astronomer. Now, you can go all through this service, and you will absolutely find no justification for this proposed salary. You take the scientific men in the Smithsonian Institution whose compensation is fixed by Congress, and there is no scientific officer in that bureau receiving a salary of more than \$4,000 a year, except the secretary of that institution. Five thousand dollars is the salary of the Director of the Bureau of Standards, a very large and important scientific institution, to qualify as the head of which a man must be educated in his line as highly as the head of the Naval Observatory. I say you must take into consideration the amount of administrative duties and re-

sponsibilities of any office in determining the salary attached thereto. You can not fix the salary alone upon the basis of the salary paid to some other bureau chief or officer in some other department. [Cries of "Vote!"]

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the question is on agreeing to the amendment offered by the gentleman from Illinois.

The question was taken, and the Chairman announced that the yeas seemed to have it.

Mr. MANN. Division!

The committee divided, and there were—ayes 27, yeas 38.

Mr. TAWNEY. Tellers, Mr. Chairman.

The CHAIRMAN. [After a pause.] Nineteen have arisen; not a sufficient number, and tellers are refused.

Mr. TAWNEY. I demand the other side.

Mr. MANN. If it is necessary, I will make the point that there is not a quorum present.

The CHAIRMAN. Does the gentleman from Illinois make the point that there is no quorum present?

Mr. MANN. I would if we have not ordered tellers.

The CHAIRMAN. We have not.

Mr. MANN. I withdraw it.

Mr. TAWNEY. I demanded the other side.

The CHAIRMAN. If 20 arise, tellers can be ordered. It takes one-fifth of a quorum of the committee, and one-fifth of a quorum of the committee is 20.

Mr. HUGHES of New Jersey. I demand the regular order.

The CHAIRMAN. The regular order is demanded. The Clerk will resume the reading of the bill.

The Clerk resumed and concluded the reading of the bill.

Mr. DAWSON. I move that the committee rise and report the bill with amendments to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CURRIER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 22685), and had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to, and that the bill as amended do pass.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the vote will be taken on the amendments in gross.

No separate vote was demanded.

The question was taken, and the amendments were agreed to in gross.

The bill was ordered to be engrossed for a third reading; and it was accordingly engrossed and read the third time.

Mr. SHERLEY. Mr. Speaker, I move to recommit the bill to the Committee on Naval Affairs with instructions.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. SHERLEY. I am.

The SPEAKER. The gentleman from Kentucky moves to recommit this bill to the Committee on Naval Affairs with the following instructions, which the Clerk will report.

The Clerk read as follows:

Commit to the Committee on Naval Affairs with instructions to report a bill defining the scope and personnel of the Naval Observatory and designating the department or institution that shall have control of same.

The question was taken on the motion to recommit, and the Speaker announced that the yeas seemed to have it.

Mr. SHERLEY. Division!

The House divided; and there were—ayes 38, yeas 40.

Mr. SOUTHWICK. I make the point of no quorum.

Mr. MANN. I demand tellers.

The SPEAKER. Evidently the House lacks a quorum.

The Doorkeeper will close the doors; the Sergeant-at-Arms will notify absent Members. As many as are in favor of the motion to recommit will, as their names are called, answer "yea;" those opposed will answer "nay;" those present and not voting will answer "present;" and the Clerk will call the roll.

The question was taken; and there were—yeas 91, yeas 147, answered "present" 17, not voting 133, as follows:

YEAS—91.

Adair	Booher	Clark, Mo.	Driscoll, D. A.
Adams	Bowers	Collier	Dwight
Aiken	Brantley	Cox, Ind.	Edwards, Ga.
Barnard	Brownlow	Cox, Ohio	Ferris
Barnhart	Burgess	Cullop	Fitzgerald
Bartlett, Ga.	Burleson	Dent	Floyd, Ark.
Beall, Tex.	Byrd	Denver	Fornes
Bell, Ga.	Campbell	Dickinson	Foster, Ill.
Bennet, N. Y.	Candler	Dickson, Miss.	Garner, Tex.
Bennett, Ky.	Cantrell	Douglas	Gill, Md.
Boehne	Carlin	Draper	Gillett

Goldfogle	Magnire, Nebr.	Robinson	Stafford
Griest	Malby	Roddenbery	Stephens, Tex.
Hanna	Mann	Rothermel	Tawney
Harrison	Maynard	Rucker, Colo.	Taylor, Ohio
Heflin	Mays	Sabath	Thomas, Ky.
Henry, Tex.	Mondell	Shackleford	Tou Velle
Hitchcock	Moss	Sheppard	Turnbull
Hughes, Ga.	Nelson	Sherley	Underwood
Hull, Tenn.	Norris	Sims	Watkins
Keilber	Oldfield	Smith, Iowa	Wickliffe
Latta	Page	Smith, Tex.	Wilson, Pa.
McKinley, Ill.	Reeder	Southwick	

NAYS—147.

Alexander, Mo.	Foss	Kinhead, N. J.	Parker
Alexander, N. Y.	Foster, Vt.	Kopp	Parsons
Allen	Foulkrod	Kronmiller	Payne
Ames	Gardner, Mich.	Lafean	Pickett
Anthony	Gardner, N. J.	Langham	Pray
Austin	Garrett	Law	Rainey
Barchfeld	Gill, Mo.	Lawrence	Ransdell, La.
Bartholdt	Good	Lenroot	Reid
Bates	Gordon	Lever	Richardson
Boutell	Goulden	Lindbergh	Roberts
Bradley	Gtraff	Loud	Scott
Burke, S. Dak.	Greene	Loudenslager	Sheffield
Burleigh	Gregg	Lowden	Sherwood
Butler	Gronna	McCredie	Simmons
Byrns	Hamer	McGuire, Okla.	Smith, Cal.
Calderhead	Hammond	McKinney	Smith, Mich.
Carter	Haugen	McLachlan, Cal.	Snapp
Cary	Hawley	McMorran	Sperry
Cassidy	Hay	Madden	Steenerson
Cook	Hayes	Madison	Sterling
Cooper, Pa.	Heald	Martin, Colo.	Stevens, Minn.
Cooper, Wis.	Henry, Conn.	Martin, S. Dak.	Sulloway
Covington	Higgins	Miller, Minn.	Sulzer
Craig	Hinshaw	Millington	Swasey
Creager	Hobson	Moon, Pa.	Talbot
Crumpacket	Hollingsworth	Moon, Tenn.	Taylor, Colo.
Dalzell	Howell, N. J.	Moore, Pa.	Townsend
Davidson	Howland	Morgan, Mo.	Vreeland
Davis	Hubbard, Iowa	Morgan, Okla.	Wanger
Dawson	Hughes, N. J.	Morrison	Weeks
Diekema	Humphrey, Wash.	Murdock	Wheeler
Durey	Joyce	Murphy	Wiley
Ellis	Kahn	Needham	Wood, N. J.
Elvins	Kelfer	Nye	Wood, Iowa
Englebright	Kendall	O'Connell	Young, Mich.
Fish	Kennedy, Iowa	Olcott	Young, N. Y.
Focht	Kinkaid, Nebr.	Padgett	

ANSWERED "PRESENT"—17.

Currier	Gillespie	Johnson, S. C.	Slayden
Denby	Godwin	Kennedy, Ohio	Tilson
Dixon, Ind.	Goebel	Kuftermann	
Estopinal	Hubbard, W. Va.	Nicholls	
Gallagher	James	Russell	

NOT VOTING—133.

Anderson	Foelker	Korbly	Pujo
Andrus	Fordney	Lamb	Randell, Tex.
Ansherry	Fowler	Langley	Rauch
Ashbrook	Fuller	Lee	Reynolds
Barclay	Gaines	Legare	Rhinock
Bartlett, Nev.	Gardner, Mass.	Lindsay	Riordan
Bingham	Garner, Pa.	Livingston	Rodenberg
Borland	Gilmore	Lloyd	Rucker, Mo.
Broussard	Glass	Longworth	Saunders
Burke, Pa.	Graham, Ill.	Lundin	Sharp
Burnett	Graham, Pa.	McCall	Sisson
Calder	Grant	McCreary	Slemp
Capron	Guernsey	McDermott	Small
Chapman	Hamill	McHenry	Sparkman
Clark, Fla.	Hamilton	McKinlay, Cal.	Spight
Clayton	Hamlin	McLaughlin, Mich.	Stanley
Cline	Hardwick	Macon	Sturgiss
Cocks, N. Y.	Hardy	Miller, Kans.	Taylor, Ala.
Cole	Helm	Moore, Tex.	Thistlewood
Conry	Hill	Morehead	Tener
Coudrey	Houston	Morse	Thomas, N. C.
Cowles	Howard	Moxley	Thomas, Ohio
Cravens	Howell, Utah	Mudd	Tirrell
Crow	Huff	Olmsted	Volstead
Dies	Hughes, W. Va.	Palmer, A. M.	Wallace
Dodds	Hull, Iowa	Palmer, H. W.	Washburn
Driscoll, M. E.	Humphreys, Miss.	Patterson	Webb
Edwards, Ky.	Jameson	Pearre	Webb
Ellerbe	Johnson, Ky.	Peters	Willett
Esch	Johnson, Ohio	Plumley	Wilson, Ill.
Fairchild	Jones	Pointexter	Woodyard
Fassett	Kitchin	Pou	
Finley	Knapp	Pratt	
Flood, Va.	Knowland	Prince	

So the motion to recommit with instructions was rejected.

The Clerk announced the following pairs:

For the remainder of the session:

Mr. HILL with Mr. GLASS.

Mr. WOODYARD with Mr. HARDWICK.

Mr. CURRIER with Mr. FINLEY.

Mr. TILSON with Mr. CRAVENS.

Mr. KENNEDY of Ohio with Mr. ASHBROOK.

Until further notice:

Mr. ANDRUS with Mr. RIORDAN.

Mr. HUBBARD of West Virginia with Mr. RUSSELL.

Mr. HULL of Iowa with Mr. SLAYDEN.

Mr. DENBY with Mr. GRAHAM of Illinois.

Mr. OLMSTED with Mr. JAMES.

Mr. MCKINLAY of California with Mr. CLARK of Florida.

Mr. GUERNSEY with Mr. ELLERBE.
 Mr. COCKS of New York with Mr. LAMB.
 Mr. TIRRELL with Mr. KITCHIN.
 Mr. LANGLEY with Mr. WEISSE.
 Mr. WILSON of Illinois with Mr. WEBB.
 Mr. WASHBURN with Mr. THOMAS of North Carolina.
 Mr. VOLSTEAD with Mr. TAYLOR of Alabama.
 Mr. THOMAS of Ohio with Mr. STANLEY.
 Mr. TENER with Mr. SPIGHT.
 Mr. STURGISS with Mr. SPARKMAN.
 Mr. RODENBERG with Mr. SMALL.
 Mr. PRINCE with Mr. SAUNDERS.
 Mr. POINDEXTER with Mr. RUCKER of Missouri.
 Mr. PLUMLEY with Mr. RHINOCK.
 Mr. PEARRE with Mr. RAUCH.
 Mr. MUDD with Mr. RANDELL of Texas.
 Mr. MORSE with Mr. PETERS.
 Mr. MILLER of Kansas with Mr. PATTERSON.
 Mr. McLAUGHLIN of Michigan with Mr. MOORE of Texas.
 Mr. McCREARY with Mr. PUJO.
 Mr. McCALL with Mr. MACON.
 Mr. KNOWLAND with Mr. LIVINGSTON.
 Mr. HUGHES of West Virginia with Mr. LINDSAY.
 Mr. HOWELL of Utah with Mr. LEGARE.
 Mr. HAMILTON with Mr. LEE.
 Mr. GOEBEL with Mr. KORBLY.
 Mr. GARNER of Pennsylvania with Mr. JONES.
 Mr. GAINES with Mr. JOHNSON of Kentucky.
 Mr. FULLER with Mr. JAMIESON.
 Mr. FOELKER with Mr. HUMPHREYS of Mississippi.
 Mr. FASSETT with Mr. HOWARD.
 Mr. ESCH with Mr. HELM.
 Mr. EDWARDS of Kentucky with Mr. HARDY.
 Mr. MICHAEL E. DRISCOLL with Mr. HAMLIN.
 Mr. DODDS with Mr. HAMILL.
 Mr. CROW with Mr. GODWIN.
 Mr. COWLES with Mr. BURNETT.
 Mr. COUDREY with Mr. DIXON of Indiana.
 Mr. COLE with Mr. DIES.
 Mr. CHAPMAN with Mr. CLAYTON.
 Mr. CAPRON with Mr. BROUSSARD.
 Mr. CALDER with Mr. BARTLET of Nevada.
 Mr. BINGHAM with Mr. ANSBERRY.
 Mr. BARCLAY with Mr. ANDERSON.

For this day:

Mr. FAIRCHILD with Mr. ESTOPINAL.

Mr. LONGWORTH with Mr. CONRY.

Mr. KNAPP with Mr. LLOYD.

Mr. MOXLEY with Mr. A. MITCHELL PALMER.

Mr. HUFF with Mr. McHENRY.

Mr. BURKE of Pennsylvania with Mr. HOUSTON.

Until Wednesday noon:

Mr. McCREARY with Mr. PUJO.

From to-day until Wednesday, inclusive:

Mr. REYNOLDS with Mr. GILMORE.

From to-day until March 31, inclusive:

Mr. MOREHEAD with Mr. POU.

From March 25 until April 1:

Mr. JOHNSON of Ohio with Mr. SHARP.

Until April 4:

Mr. GRANT with Mr. JOHNSON of South Carolina.

Until April 5:

Mr. FORDNEY with Mr. GALLAGHER.

From March 25 until April 5, inclusive:

Mr. HENRY W. PALMER with Mr. BORLAND.

From March 24 until April 10:

Mr. LUNDIN with Mr. McDERMOTT.

For one week:

Mr. SLEMP with Mr. FLOOD.

Mr. FOWLER with Mr. GILLESPIE.

Mr. PRATT with Mr. NICHOLLS.

Mr. GRAHAM of Pennsylvania with Mr. CLINE.

The result of the vote was announced as above recorded.

The SPEAKER. The motion is disagreed to. The Doorkeeper will open the doors.

The question is on the passage of the bill.

The question being taken, the bill was passed.

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

INVESTIGATION OF CERTAIN CHARGES.

The SPEAKER announced as the special committee under the resolution (H. Res. 543) agreed to yesterday Messrs. OLCOTT, LONGWORTH, HAWLEY, HUMPHREYS of Mississippi, and GARRETT.

INTERNATIONAL PEACE AND ARBITRATION.

Mr. HOBSON. Mr. Speaker, by direction of the Committee on Naval Affairs I desire to call up the bill (H. R. 125) to promote the cause of international peace and arbitration, and I ask unanimous consent that it may be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Alabama asks unanimous consent for the consideration of this bill in the House as in Committee of the Whole. Is there objection?

Mr. MANN. I object.

The SPEAKER. Under the rule the House is in Committee of the Whole House on the state of the Union for the consideration of the bill referred to, and the gentleman from New Hampshire [Mr. CURRIER] will take the chair.

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

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 125) to promote the cause of international peace and arbitration.

The Clerk read the bill, as follows:

Be it enacted, etc., That after the passage of this act, whenever new vessels of war are authorized to be constructed or purchased, a sum not exceeding one-tenth of 1 per cent of the amount authorized for their total cost may be set aside by Congress from the first appropriation toward their construction or purchase, for the purpose of promoting the cause of peace and arbitration between nations, to be expended under the direction of the executive committee of the American Group of the Interparliamentary Union, in conference with the Secretary of State and said amount shall be available until expended.

With the following amendment recommended by the Committee on Naval Affairs:

In line 5 strike out "one-tenth" and insert "one-twentieth."

Mr. HOBSON. Mr. Chairman, I would like to call the attention of the committee to the fact that this bill does not make any appropriation; it simply provides that Congress may appropriate. Of course Congress may appropriate with or without this bill, but with this bill enacted into law, an appropriation for peace and arbitration in the naval appropriation bill would be in order. I should like to call attention to another limitation, namely, the amount that the bill recommends. The amount is limited to one-twentieth part of 1 per cent of the amount authorized for the building of new ships. Now, it would seem reasonable not to put a limitation on the amount that the committee would be authorized to recommend for the holy cause of peace and arbitration. But an effort has been made amongst the governments of the world to specify but one-tenth of 1 per cent of appropriations for new armaments in the belief that this is all the governments can be prevailed on to donate for peace and arbitration.

Mr. BARTLETT of Georgia. Will the gentleman yield for an interruption?

Mr. HOBSON. I will yield to the gentleman.

Mr. BARTLETT of Georgia. Do I understand the gentleman that the amount of one-twentieth of 1 per cent is in addition to what you spend for building vessels, or is it to be deducted from the amount that is spent?

Mr. HOBSON. It is to be deducted.

Mr. BARTLETT of Georgia. It does not say so.

Mr. HOBSON. I think if the gentleman will read a little further he will find that it is so. It is immaterial, because the total amount would never run beyond five or six thousand dollars for a battle ship.

Mr. BARTLETT of Georgia. A battle ship that cost \$11,000,000, the amount would be \$5,500.

Mr. HOBSON. As our appropriation bills have been running for a number of years on the basis of two battle ships and auxiliaries, the amount for new construction ranges from twenty to thirty million dollars.

Mr. BARTLETT of Georgia. If the gentleman had his way, the sum would be very largely increased, would it not?

Mr. HOBSON. Well, I ask the gentleman from Georgia, no matter how much is spent for ships, has he any objection to allowing one-twentieth of 1 per cent of the whole amount to be devoted to the purpose of trying to promote peace and arbitration among the nations of the world?

Mr. BARTLETT of Georgia. Will the gentleman allow me to answer that?

Mr. HOBSON. Certainly.

Mr. BARTLETT of Georgia. We would promote peace more by not building these great engines of war than we would by building them and spending money in the way it is proposed to

spend it by this bill. I would not build up a great army and navy for the purpose of inviting war. I would curtail expenses in the army and navy and keep peace in that way rather than to undertake to go out before the world as a nation always ready and prepared to fight and invite a fight. That is the way I would keep peace.

Mr. HOBSON. Let me say to the gentleman from Georgia that the House is frequently glad to follow the gentleman's views in many measures, but in the question of naval appropriations it is customary to authorize some construction irrespective of the wishes of the gentleman from Georgia. Now, assuming that we do make some authorization for warships, would the gentleman from Georgia have any objection to laying aside one-twentieth of 1 per cent of that amount to be available for the promotion of peace and arbitration?

Mr. BARTLETT of Georgia. I would not have any objection; but I do not think the matter of expending it as proposed by the bill has any tendency to promote peace, for I notice that some prominent gentlemen who advocate peace in a great measure on this floor, when it comes to a vote for instruments of war and preparation for war generally vote for the large sum asked for.

Mr. HOBSON. I will touch on that part of the gentleman's observation in due time.

Mr. KEIFER. Will the gentleman yield?

Mr. HOBSON. I yield to the gentleman from Ohio.

Mr. KEIFER. I would like to ask one or two questions as to how the bill would operate.

Mr. HOBSON. I was coming to that.

Mr. KEIFER. I am quite in sympathy with the purpose, but I would like to know whether the gentleman has considered what would be the effect of this bill, in case at this session or later, we should appropriate a given sum of money to build a battle ship, whether that appropriation in a direct way containing no reference to this bill would not be taken pro tanto as indorsing this appropriation, and whether or not this is not a method of getting continuing appropriations from the future appropriations for battle ships?

Mr. HOBSON. Mr. Chairman, I think that the gentleman, if he will read the bill carefully, will see that it simply provides that Congress may set aside. It does not provide that it shall upon the authorization of new construction appropriate, or that there would have to be a specific provision in any naval appropriation bill in order to get this money for the purposes of peace.

Mr. KEIFER. I understand from the reading of this bill that it has no reference at all to appropriations already made to construct battle ships, but relates wholly to future appropriation.

Mr. HOBSON. The gentleman is correct.

Mr. KEIFER. My point is that in the future appropriation bills it will be necessary to refer to this bill or the appropriation could not be segregated even to the extent of one-twentieth of 1 per cent.

Mr. HOBSON. The gentleman has stated it correctly, in this far, that this bill, enacted into law, would be the authorization in law for an allotment in a naval appropriation bill.

Mr. KEIFER. Mr. Chairman, I am not making the inquiries to be captious about this bill, but I understand the gentleman's point is that this bill, if it should become a law, would fix an authorization by which the Committee on Appropriations could put in a provision or by which an amendment might be offered on the floor to put in an appropriation for the benefit of the American group of the Interparliamentary Union, and that is the only thing that can be secured by it.

Mr. HOBSON. The gentleman is correct, though the expenditure, as he will see, is under the direction of the executive committee of the union in conference with the Secretary of State.

Mr. KEIFER. Now, one other question. I would like to know whether the American league of the Interparliamentary Union is anything more than a sort of migratory organization—that is, a voluntary one—and has no fixed official character.

Mr. HOBSON. I am very glad that the gentleman from Ohio has brought that point up, and before we are through I shall ask the gentleman from Missouri [Mr. BARTHOLOMEW], who I see is present, to enlarge upon the answer that I will give to the gentleman, namely, that thus far the Interparliamentary Union in America, in which group we number now more than 200 members, has not been officially recognized by Congress, and this is one of the beneficial results of this measure. Henceforward that group would have the status of a duly recognized body, and I will say to the gentleman that making the Interparliamentary Union a duly recognized governmental body is now the purpose of all the governments in the world, and if I

am not mistaken that body has been so recognized by most of the chief governments of Europe.

Mr. KEIFER. Mr. Chairman, I am glad to see my friend from Missouri [Mr. BARTHOLDT] is present. He could have asked these questions better than I. I am glad to know, also, about the matter, because I believe I belong to this American group of the Interparliamentary Union and I want to know my own status. Now, has there ever been any appropriation made by the Congress of the United States to bear the expense of this Interparliamentary Union?

Mr. HOBSON. I am very glad to answer the gentleman by pointing out that in 1904 the American group entertained the groups of the other nations, and the conference was held in America, at St. Louis, and that on that occasion the Government did appropriate, if I mistake not, \$50,000, or a part of it, for those purposes.

Mr. BARTHOLDT. That is correct.

Mr. HOBSON. And I will further say to the gentleman, at the instance of the gentleman from Missouri in conjunction with the gentleman from Vermont [Mr. FOSTER], that this year provision has been made in the diplomatic appropriation bill, as I understand, for \$2,500 as a contribution for the maintenance of the international bureau—our contribution to the maintenance of the international bureau, originally located at Berne, but now at Brussels. While there are not many precedents in the United States, unfortunately, there are many precedents abroad, and I can point out to the gentleman that for more than ten years the governments of Europe have been so contributing. The first Government to make a contribution was Switzerland, in 1897, and the second Government was Norway, and then followed Sweden, and after these have come almost all of the great governments of the world.

Mr. MANN. What percentage of the appropriations made by Switzerland for battle ships is used for this purpose? [Laughter.]

Mr. HOBSON. Mr. Chairman, I think Switzerland broke the record by appropriations 100 per cent plus for that purpose.

Mr. MADDEN. How is membership in the American branch of the Interparliamentary Union obtained?

Mr. HOBSON. I will say to the gentleman that the gentleman from Missouri could answer him officially, but all that is required is a request to be so enrolled and the payment of dues. I will say to the gentleman, as I did to the gentleman from Ohio [Mr. KEIFER], that one purpose of this measure is to give our group of the Interparliamentary Union a status and a small sum with which it could hold an office, have a secretary, and maintain correspondence with the groups abroad. Furthermore, we then will have a small fund under which our groups could always be properly represented at the meetings when held abroad.

Mr. MADDEN. Will the gentleman yield for one more question? Does the gentleman think that a voluntary application for membership in the interparliamentary group should be the basis of a charge upon the Federal Government?

Mr. HOBSON. I am very glad to answer the gentleman's question, and say that I believe that no group of governmental officials in the history of the Government have ever been fraught with possibilities for public service as great as these groups of the Interparliamentary Union, and that not only official recognition but support should be given them by the governments of the world in order to promote amity and good relations and advance the cause of arbitration, and ultimately that of general peace.

Mr. MADDEN. If I understood the gentleman correctly, he said any person could become a member of the American branch of the Interparliamentary Union?

Mr. HOBSON. I meant any Member of the House of Representatives or the Senate of the United States.

Mr. MADDEN. Then is it not a fact, however, any person who pays the fee that is charged for admission in the Interparliamentary Union can join it, whether a Member of the legislative body or not?

Mr. HOBSON. No; it is not the fact; and, furthermore, ex-members of the legislatures of the world are not even members except by special provision. This is a grouping of the law-makers of the great nations of the world, who are uniting in a combined effort over the world to produce more amicable relations and promote the effectiveness of arbitration, and I will say—

Mr. PAYNE. May I ask the gentleman how long this Interparliamentary Union has been in existence; how long a time?

Mr. HOBSON. It has been in existence, if I mistake not, about seventeen years. For a number of years after its formation it was small. I will ask the gentleman from Missouri to give me the exact statement.

Mr. BARTHOLDT. The American branch was organized in 1904 in this country.

Mr. HOBSON. I thought the gentleman asked in regard to the universal organization. Our American group has been organized only since 1904. The original group was founded in Paris, if I mistake not, in 1893.

Mr. BARTHOLDT. In 1888.

Mr. PAYNE. But the American branch was organized in 1904, as I understand. Now, during that time, have the appropriations for naval armament in the leading nations of the world been doubled, on the average?

Mr. HOBSON. I am inclined to think they have been more than doubled in all of the great nations of the world, except America.

Mr. PAYNE. In that time. Now, if we grant this appropriation and continue it from year to year, does the gentleman think that at the end of six years more it will be doubled again, so they will get somewhere within the gentleman's scheme for battle ships to be built by the Government of the United States?

Mr. HOBSON. I will say to the gentleman, if there were any chance of its leading to a doubling of our provision, why, I would work not only day, but night, for it.

Mr. PAYNE. And is not that the principal reason why the gentleman advocates this proposition?

Mr. HOBSON. No; on the contrary.

Mr. COX of Indiana. Who composed the executive committee of the American group of the Interparliamentary Union—how many men?

Mr. HOBSON. The officers and five additional members.

Mr. COX of Indiana. Then, as I understand the bill, it proposes to put this amount of money at the disposal exclusively of the executive committee?

Mr. HOBSON. The executive committee, in conference with the Secretary of State.

Mr. COX of Indiana. They are to expend the money as they see fit?

Mr. HOBSON. As they see fit.

Mr. COX of Indiana. One other question. I understood you to answer some one on that side of the Chamber that this Interparliamentary Union, especially in Europe, has been in existence eighteen or twenty years?

Mr. HOBSON. Fully.

Mr. COX of Indiana. Now, the gentleman would not admit, would he, that they have done very much toward bringing about peace in those countries?

Mr. HOBSON. I will be very glad to answer the gentleman, and then I will ask the gentleman from Missouri [Mr. BARTHOLDT] likewise to enlarge upon the statement I am going to make.

Mr. COX of Indiana. Just wait a minute—

Mr. HOBSON. Let me finish part of my answer by specifying to the gentleman that in 1904 it was that Interparliamentary Union meeting at St. Louis, under the chairmanship of the gentleman from Missouri [Mr. BARTHOLDT], who was himself the author of the resolution that came to be known the world over as the "resolution of St. Louis," which called upon the President of the United States to use his good offices in invoking a second assembly of the powers at The Hague conference, and that the Second Hague Conference held was the result of that Interparliamentary Union meeting in America, and that the First Hague Conference was likewise an indirect, if not a direct, result of the meeting of that union.

And, furthermore, I will ask the gentleman from Missouri [Mr. BARTHOLDT] to specify and bear me out in my details, that every important peace measure considered, or most of the important peace measures considered, and every important peace measure adopted, at either the First Hague Conference or the Second Hague Conference originated with and was advocated by this Interparliamentary Union and that substantially the bulk of the work for peace in the world during the last ten or twenty years has been the outgrowth of the work of this great Interparliamentary Union.

Mr. BARTHOLDT. If the gentleman will permit me, as far as these measures relate to the promotion of peace, the Interparliamentary Union did not consider these other questions of the amelioration of war, and so forth.

Mr. HOBSON. I meant that those for arbitration and peace originated in the Interparliamentary Union.

Mr. COX of Indiana. I agree that this Interparliamentary Union has done a great deal of talking and has passed a great many commendable resolutions. It is stated that this organization has been in existence in Europe for eighteen or twenty years. Since that time we have had the English-Boer war, we have had the Japanese-Russian war, and then we have had the Spanish-American war, and we have seen the countries go on

building large navies from year to year. Therefore, what results has this accomplished, and what results will it accomplish, does the gentleman believe?

Mr. BARTHOLDT. May I interject a remark right here? In answer to my friend from Indiana I will say that the fact is that during that time—that is, since the organization of that union—no great European war has taken place.

Mr. HOBSON. And I will also point out to the gentleman from Indiana [Mr. Cox], in supplement to the answer of the gentleman from Missouri [Mr. BARTHOLDT], that every war that he has cited has been due, not to a just balance of power, but has been precipitated by weakness on the part of one of the parties to the controversy.

Mr. COX of Indiana. Now, will the gentleman yield?

Mr. HOBSON (continuing). That the armaments of Europe, referred to by the gentleman from New York [Mr. PAYNE] have tended, more than anything else in the world, to balance the power between the nations, and therefore to make nations hesitate to embroil each other in a great war; that even the armaments to which he has referred have themselves been most beneficent in establishing the balance of war and averting resort to war; that, in effect, you must have some form of justice, some form of power, to promote a just outcome of differences between nations as between men.

In a community that is civilized, a community like ourselves for instance, there are the courts, but behind the courts there is the power of the law, a power that is visible, and behind it the power of organized society, and without this power there could be no justice issue out of differences between individuals. Now, then, between the nations of the world there is no organization under which a power superior to both the parties of the controversy could insure a just issue from their differences. Therefore, the only way you can hope to get a just result from such differences is to have the two parties to the difference in more or less equilibrium of power. Most of the wars of the world have been the direct result of breaking the balance of power or the stronger nation feeling it had the power to impose upon the rights of a weaker nation, and the armaments to which he has referred, along with their grouping, have contributed more than anything else in the history of the world to the long-continued era of peace that has reigned in Europe for the last thirty years.

Mr. COVINGTON. Will the gentleman yield?

Mr. HOBSON. With pleasure.

Mr. COVINGTON. I happened to be present in the House a few days ago when the gentleman made his speech on the battle-ship proposition, and in that speech I understood him to say that he was an advocate of six battle ships, and that four battle ships are an irreducible minimum, in his belief, as the number this Government should construct. I understand this bill to provide that there may be appropriated an amount of money equal to one-twentieth of 1 per cent of the total cost of the battle ships. The logic of the proposition in your bill, I assume, is, therefore, that the more money we spend for battle ships, which, according to your argument, is for promoting the cause of peace, the more money we should appropriate to promote the cause of international peace by arbitration, is it not?

Mr. HOBSON. The gentleman is absolutely correct. And I believe it is legitimate on the part of the Naval Committee and on the part of any government to try to avert war by every legitimate and honorable means, to try to avert war by trying to establish equilibrium with powers with which we have differences and also by establishing arbitration wherever possible, and by both means combined.

Mr. COVINGTON. Then the gentleman would assume that if we appropriate money to build ten ships and thereby create an equilibrium with the powers of the world that can by any possibility be in conflict with the United States, then there should be in addition to that appropriation one-twentieth of 1 per cent of the amount appropriated in order to promote international peace through a peace conference.

Mr. HOBSON. I believe that we should be in a position to appropriate one-twentieth of 1 per cent as an absolute minimum, no matter how large the appropriation may be.

Mr. COVINGTON. But I understand that the gentleman's bill provides that no matter how far this Government may go in its appropriations of money for battle ships, still under its provisions we are to authorize the giving of one-twentieth of 1 per cent of that amount in promotion of international peace through arbitration.

Mr. HOBSON. The gentleman is correct.

Mr. COVINGTON. Now, then, if I understand correctly the idea in your speech of some days ago, if this Government shall reach a point when by its construction of battle ships, which you assert is the proper medium of preserving peace, the whole

armament may become a great navy, and preserve the equilibrium of power in the two great oceans, and thereby preserve the peace of this country, why should we require a steadily increased appropriation to promote in the naval bill the cause of peace by some other means.

Mr. HOBSON. I am very glad my friend from Maryland has brought that subject up. I am glad that he has reached the point of realizing that my purpose in advocating a great navy is to establish an equilibrium, for it is by establishing an equilibrium that we can promote the peace of the world. Now, I will ask him to follow me further. I regard the balance of power as crude and most undesirable.

But it is the only method to-day. I am trying to contribute all I can to evolve another system and a better system, under which the nations would no longer have to keep a naval equilibrium with other nations, but where their armaments can be pooled, and where there could be some kind of an organized jurisprudence, under which justice would be the outcome, whether the nation was large or small; and it is with that purpose in view that I have brought forth this measure.

Mr. COVINGTON. Then, if the gentleman's position be true, I understand that there can be a point reached where the naval appropriation itself will effectually preserve the balance of power for peace?

Mr. HOBSON. I hope that our country will some day come to the point where our navy can establish equilibrium in the two oceans. I want the gentleman to understand, however, that I do not believe we will be sure to preserve peace even then. I believe we have got to have a navy as long as the other nations have navies, not merely to promote peace, but also to win victory when war does come, and make the war short and sharp, so that we can get back as soon as possible to peace again.

Mr. COVINGTON. I think the gentleman has lost sight of my question. He has stated that the time may come in the naval appropriation bill when, if enough money is appropriated to build battle ships, this Government may maintain a naval armament such as will effectually preserve peace. If that be so, does he yet want the naval appropriation bills steadily to increase the amount of money to be used to preserve peace by other means; that is, by international peace conferences?

Mr. HOBSON. I will tell the gentleman he is laboring under the fundamental disadvantage of not realizing that the naval appropriations have not gone on so increasing as to have a tendency to a balance of power. We are losing that balance of power every day. Furthermore, even if we did have a balance of power with the military nations across the water from us, I do not regard that as guaranteeing peace. It is simply the only guaranty we can invoke thus far. It is a poor guaranty at best and terribly expensive, and we should never relax our efforts till we can get a substitute. But we must take the world as we find it. What I would wish would be arbitration, promoted to the maximum of efficiency, and that after establishing arbitration proper there would be an international system between the nations that would go to the courts that have been formed, giving them an actual jurisdiction and ultimately enabling those courts to say what is international law and what is not, so that all nations would be under obligation to obey it; and then, when that condition is established, to have an executive power binding the strongest nations of the world to enforce the mandates of such international court.

It would be, then, a system with a legislative body to make laws for the world, a judicial body to interpret these laws, and an executive body to enforce them. The true policy is to establish a balance of power of armaments and then press forward with vigor to hasten the development of such an international organization. That is the ultimate system. That is the system that we all work to, and that is what I believe this small contribution of money would promote, to a degree which we have not fully estimated.

Mr. COVINGTON. Now, I want to ask two more questions, and then I will have finished with the gentleman. I understood the gentleman to state that this bill provided simply that the Government may appropriate this money.

Mr. HOBSON. The gentleman is correct.

Mr. COVINGTON. The obvious purpose of this bill, as he has stated, is therefore to relieve the naval appropriation bill of a point of order.

Mr. HOBSON. On the contrary, it is to relieve this provision for peace and arbitration from a possible point of order.

Mr. COVINGTON. But the only object of this bill is to remove the possibility of a point of order being made against the item in the naval appropriation bill carrying an appropriation of this character, is it not?

Mr. HOBSON. I will tell the gentleman very plainly that the object is to facilitate the work of the Interparliamentary Union. Next year, for instance, the Interparliamentary Union may want to send delegates over to a very important meeting, and to meetings to prepare for the Third Hague Conference in 1915 to determine the programme to recommend for that conference and promote the usefulness of that conference. The members of our group in America ought not to have to bear their own expenses when they are engaged in the promotion of such noble work for our Government and the governments of the world. For this and for other work the union ought to have this little fund, and we should provide for it in the naval appropriation bill.

Mr. COVINGTON. Does not the gentleman still understand that his bill in its present form simply makes possible the appropriation for that purpose on the naval appropriation bill?

Mr. HOBSON. Certainly. I stated that at the outset.

Mr. COVINGTON. Then the process of legislation which the gentleman seeks to inaugurate is to make the naval appropriation bill, which is essentially a bill to provide means for war, a bill that will carry automatically each year an appropriation to promote by arbitration and conference the cause of international peace, is it not?

Mr. HOBSON. I am sorry the gentleman has only grasped part of my conception of the naval appropriation bill. The part that is for new construction there is to promote peace. It is to win victory when war comes, but its object is to promote peace. This is simply one of the means of promoting peace, and it is logically coupled with the other, which ultimately may be the substitute for it.

Mr. ROBINSON. Will the gentleman yield?

Mr. HOBSON. I promised to yield to the gentleman from Illinois [Mr. MANN].

Mr. MANN. I think the gentleman has answered my question.

Mr. ROBINSON. I desire to ask the gentleman from Alabama if in the provisions of this bill he does not put a premium on voting for appropriations for war in order to get very small appropriations for peace; and if persons who desire that an appropriation may be made for arbitration or similar purposes would not be induced, under the provisions of this bill, to vote large appropriations for battle ships in order to get small appropriations for the purposes which they desire to see promoted?

Mr. HOBSON. I do not think so, Mr. Chairman. Without voting for any more ships than Members have been voting for heretofore, there could be provision for current uses, and then special appropriations could be made for special occasions.

Mr. ROBINSON. May I ask the gentleman another question?

Mr. HOBSON. I will answer the gentleman's first question more at length if he desires me to.

Mr. ROBINSON. The gentleman has answered the question. I want to ask him now if there is a demand for an immediate appropriation for the purposes of international arbitration or peace?

Mr. HOBSON. I think so. I believe our group ought to have the services to-day of a permanent secretary.

Mr. ROBINSON. Why can not that be reached by a separate bill for that purpose? And does not the gentleman think and know that this Congress would gladly vote any reasonable appropriation tending, in its judgment, to promote international peace?

Mr. HOBSON. I will say to the gentleman that I would be delighted if he would introduce such a measure and allow me the privilege of voting for it. I have been in this House for three years now, and I have not seen him or others introduce such a measure; but I believe that that would in no sense affect this bill, because we do not have to make appropriations in a naval appropriation bill if ample provision has been made otherwise. The appropriation is not authorized by this bill, but it is simply that if through these other avenues we fail to make appropriation, here is a means by which it can be made. It is like a small arbitration appropriation bill carried on the back of a larger armament appropriation bill.

Mr. ROBINSON. I want to ask the gentleman why the limit in this bill is placed at the insignificant sum of one-twentieth of 1 per cent, thereby preventing the consideration of a larger amount on the naval appropriation bill?

Mr. HOBSON. I wish there was no limit at all, and I do not believe that I betray the secrets of the committee when I say that I advocated one-tenth of 1 per cent, and that is because one-tenth of 1 per cent has been advocated abroad by men in favor of peace by arbitration. I think it is a pitiable commentary on the general peace education of the people of this country and of the world when all that practical peace men dare ask of the national governments, even those obeying public

opinion, all they dare ask for the promotion of the holy cause of peace and arbitration is the paltry sum of one-tenth of 1 per cent of what they pay for the settlement of differences through the crude method of armament by an equilibrium of armaments. I wish there was no limitation on it. If the gentleman from Arkansas will offer an amendment to strike out that limitation I will vote for it.

Mr. ROBINSON. In view of the statements of the gentleman, why has he not introduced and had reported out of the committee a proposition making it in order to embrace in the naval appropriation bill appropriations for promoting international arbitration, without regard to limitation?

Mr. HOBSON. I will say to the gentleman that when I made it one-tenth of 1 per cent I did it not because that was what I desired or was willing to support. I would give as much—I would give ten times as much—aye, I would make only one-tenth of 1 per cent available for battle ships and all the rest available for arbitration if I had my way and the condition of the world permitted. I would put all the resources of the nations of the world at the command of this cause of peace and arbitration. I made it one-tenth of 1 per cent, because practically the best men of the world have realized that that is the most they can hope to get out of the governments as they are organized. When the bill came to the committee it appeared that one-tenth of 1 per cent bore too much to receive the full support of the committee.

Mr. MADDEN. Will the gentleman yield?

Mr. HOBSON. Certainly.

Mr. MADDEN. Would the gentleman be willing to accept 10 per cent of the average amount appropriated in the present naval bill for the construction of battle ships for the past five years in lieu of the appropriation for battle ships at this time?

Mr. HOBSON. I certainly would not, and I will tell the gentleman why. Because this cause of arbitration is only in its infancy. If the gentleman will take the pains to investigate it, he will see that the question of international organization for peace is no further along between the nations of the world than the English common law was between individuals in the year 1000. He will see that it will have to be an evolution, just like a system for the organization of law and order in any race or any nation has always been an evolution.

And that it will be many, many years before the Nation's honor, before its vital interests, before its institutions, before things held sacred can be committed to the keeping of the world under international organization. Until that day no nation, particularly a nation like ourselves, can afford not to make the only provision now available for national security, that of adequate armaments. Our policy must be adequate armaments until the world can offer effective arbitration.

Mr. MADDEN. I want to say that I would be glad to join the gentleman in a movement which would have for its purpose an appropriation of 10 per cent of the average amount appropriated within the past five years for battle ships, to be used exclusively for the promotion of peace, on condition that we appropriate for no battle ships this year.

Mr. HOBSON. I am sorry the gentleman is not as broad minded as men in favor of armament, so we could meet on half-way ground and join hands to promote arbitration as fast as possible, but to provide for the security of armament while the conditions out in the world remain as they are, where no body of men has authority to make law, no authority even to determine what is international law and what is not. If there were such a body, there would be no court of competent jurisdiction to try cases or with authority when international law has been violated to hale the violator before the bar of justice, and where after judgment was rendered there would be no power to enforce the judgment.

Mr. MADDEN. Does not the gentleman think it would be much more likely to promote peace if we were to appropriate a large sum than to appropriate this infinitesimal amount that he proposes?

Mr. HOBSON. I think the gentleman is correct, and I wish it were a large sum, though the agencies and machinery of arbitration are so embryonic, still that there might not be found avenues of proper expenditure for large sums coming suddenly. It would be perhaps well to make the smaller start.

Mr. MADDEN. I do not see where, then, the gentleman is more broad minded than others.

Mr. HOBSON. I have stated that I would advocate 100 times more than the present proposition if the amount were needed. If that is not broad minded, then I do not know what it is.

Mr. SLAYDEN. Will the gentleman yield?

Mr. HOBSON. I will yield to the gentleman from Texas.

Mr. SLAYDEN. The gentleman made a statement a few minutes ago, and I wanted to ask him about it at the time,

but I did not like to break in while he was making his argument. As I understood the gentleman, there are, in his opinion, two ways of promoting peace, one is by arbitration and the other is by equilibrium of armament. Is that correct?

Mr. HOBSON. Substantially—promoting justice.

Mr. SLAYDEN. Well, call it justice.

Mr. HOBSON. I wish the gentleman to understand, in defining the word "arbitration," I not only mean existing treaties with all their limitations, but the whole, broad question of organization for international law and order.

Mr. SLAYDEN. I am willing to accept the gentleman's statement of it, but I want to know if he has been consistent in advocating equilibrium in armament, and if, as a matter of fact, he has not in public addresses throughout the country, in magazine articles, and in repeated interviews and speeches advocated a stupendous preponderance of armament on the part of our Government?

Mr. HOBSON. Mr. Chairman, I believe the gentleman will find that he has accepted what many others have done, namely, reports of the press of America, instead of ever hearing me make speeches or lectures or reading articles I have actually written. On the contrary, I am not advocating that America should be a great overweening power in the world. I am advocating simply the minimum provision on the scientific basis, which you can not escape if you will go into it carefully—the minimum basis on which we can do our duty on the Atlantic and Pacific oceans; and while advocating an adequate navy I am doing all in my power to promote arbitration.

Mr. MOORE of Pennsylvania. Mr. Chairman, I have been reading the gentleman's bill and the report that accompanies it, and I want to direct his attention to the practicability of it. It is proposed to appropriate one-twentieth of 1 per cent out of the next appropriation for the construction of battle ships.

Mr. HOBSON. I will correct the gentleman. That would not be proposed until next year. It may not be proposed then; but it would authorize the appropriation if the Naval Committee decided to report it and Congress to accept it.

Mr. MOORE of Pennsylvania. That does not affect the question I wanted to put to the gentleman as to the practicability of the bill. Who would pay that appropriation of one-twentieth of 1 per cent? Would it come out of the Government or the contractor, the constructor of the ship?

Mr. HOBSON. Mr. Chairman, I am inclined to think that it would be the Government, and would be added to the expected cost of construction.

Mr. MOORE of Pennsylvania. Then, whatever amount was taken out, deducted under the gentleman's plan—

Mr. HOBSON. Oh, it would be so small that I have not really given that part of it serious consideration.

Mr. MOORE of Pennsylvania. Would not that be a serious consideration in the matter of advertisement of specifications for the construction of the ship?

Mr. HOBSON. I do not think so.

Mr. MOORE of Pennsylvania. Would not the Government have to specify in its advertisement for bids for the construction of a battle ship that there would be a reservation of one-twentieth of 1 per cent of the total bid?

Mr. HOBSON. I do not think so; but I believe the Government would set it aside for money in the Treasury, the bid and the reservation combined not exceeding the amount authorized.

Mr. MOORE of Pennsylvania. In the report which accompanies the bill reference—

Mr. HOBSON. To make that clear, it is possible we might better specify in the bill.

Mr. MOORE of Pennsylvania. I wanted to know whether the gentleman had consummated that phase of the question.

Mr. HOBSON. The authorization is for Congress to do it.

Mr. MOORE of Pennsylvania. Then the fact is that the gentleman has not considered whether the one-twentieth of 1 per cent should come out of the governmental appropriation direct or whether it would be deducted from the contractor who undertook to construct the ship.

Mr. HOBSON. I will say to the gentleman that I have not considered that. I am considering here the authorization, and then the Naval Committee could either add the one-twentieth of 1 per cent if it desired, or else the Congress could appropriate it. This is simply the authorization, and it would leave the source of the fund to be determined in each appropriation bill.

Mr. MOORE of Pennsylvania. In the report reference is made to the fact that in Switzerland and in Norway provision has been made out of appropriations for the construction of battle ships, and I thought—

Mr. HOBSON. I did not mean to say that. The appropriations in those foreign governments had not come from new construction. They have come from the governments, from the

original funds; but I will add that it is my information in the last few years the British Admiralty has set an example of making a contribution out of what would correspond in our country to the contingent fund of the Navy Department.

Mr. MOORE of Pennsylvania. Before or after advertisement?

Mr. HOBSON. Without any connection with the building of ships.

Mr. MOORE of Pennsylvania. Then the bidder upon a ship under these new proposed conditions would bid with his eyes open and with the understanding that so much was to be deducted from the appropriation before the contract was awarded?

Mr. HOBSON. It would be specified, if that were the direction which the Naval Committee saw fit to take, so much money to be drawn away.

Mr. SLAYDEN. Mr. Chairman, I am obliged to the gentleman from Alabama for his courtesy, and as I had not finished—

Mr. HOBSON. I am only too glad to answer the questions propounded by the distinguished gentleman from Texas.

Mr. SLAYDEN. In reply to the vehement declaration of the gentleman from Alabama that I had not understood his position, I am willing to admit that I may not have done so and my mind may have been influenced by the public press, but I want to ask him, however, if it is not true that in less than three years, in a report filed in this House, he has advocated the construction of 12 battle ships in place of the programme adopted in that year.

Mr. HOBSON. That is true, Mr. Chairman, and I will say to the gentleman that because Congress did not adopt such measures that to-day we are exactly 11 battle ships behind our relative position in the year 1906. We are 7 behind the equilibrium in the Atlantic, that is with Germany, and 4 behind the equilibrium of the Pacific, with Japan.

Mr. SLAYDEN. You still stand for 12, if you can get them, this year?

Mr. HOBSON. Yes; to make up the deficiency.

Mr. SLAYDEN. Twelve battle ships would be \$120,000,000—

Mr. HOBSON. It would be less than—

Mr. SLAYDEN. And one-twentieth of 1 per cent would be \$60,000—

Mr. HOBSON. It would be simply a mathematical proposition of the cost of one multiplied by the number.

Mr. SLAYDEN. One twentieth of 1 per cent on a cost say of \$10,000,000 each—

Mr. HOBSON. Yes; roughly estimating it.

Mr. SLAYDEN. Would be \$120,000,000, and so I figured out in my mind it would be \$60,000.

Mr. HOBSON. About \$60,000.

Mr. SLAYDEN. A very good appropriation for the purpose of arbitration, but I rather favor an appropriation of \$60,000 without the battle ships.

Mr. HOBSON. I now yield to the gentleman from Arkansas [Mr. ROBINSON].

Mr. ROBINSON. I want to ask my friend, the gentleman from Alabama, if in his opinion an appropriation for the purpose of promoting peace or international arbitration should be dependent upon the amount of the Government's appropriations for military or naval purposes? Why should not we appropriate that amount independently? And in that connection I will state to the gentleman that it is my intention, if the opportunity is afforded, to offer an amendment at the proper time to strike out all after the enacting clause and make an appropriation for the purpose of international arbitration and peace. [Applause.]

Mr. HOBSON. I will say to the gentleman that he would be following the precedent established by the British Government. They have made a direct appropriation, if I am correctly informed—and I will refer to the gentleman from Missouri if I am not—of £30,000 (\$150,000) outright for this purpose.

Mr. BARTHOLDT. That is correct.

Mr. HOBSON. Now, there is no objection to a measure like that being introduced and passed at any time, but that does not militate in the remotest degree against the adoption of this bill that is now before the House.

Mr. MADDEN. May I ask the gentleman how many battle ships has Japan?

Mr. HOBSON. I will say to the gentleman that Japan has built, or is building, four *Dreadnoughts*, and she is expected to lay down this year one additional battle ship and two large cruisers that ought to be counted with the battle ships—

Mr. MADDEN. What I want to know is how many she has now in the service.

Mr. HOBSON. Oh, I will tell you, Mr. Chairman, it is really futile to begin to count battle ships unless you count *Dreadnoughts*. Those are *Dreadnoughts* to which I refer. The other ships are only on the seas in the first line of battle until the *Dreadnoughts* appear.

Mr. MADDEN. What I wanted to get from the gentleman is this information: How many battle ships has Japan and how many has America, and what would the gentleman consider a proper equilibrium between the two nations?

Mr. HOBSON. Well, I will say to the gentleman that, unfortunately, while the whole Japanese navy is available to maintain the Japanese side of the equilibrium in the Pacific, there is to-day not a single battle ship in the American navy that is available to maintain the American side of the equilibrium in that ocean.

Mr. MADDEN. But the gentleman has not answered the question.

Mr. HOBSON. I will be very glad to answer the question, but I want him to understand in my answer that the Atlantic Fleet does not contribute to the equilibrium of the Pacific Ocean.

Mr. MADDEN. What I want to know is, How many battle ships have we and how many they have?

Mr. HOBSON. I will answer the gentleman by saying that America has none in the Pacific, and, as I remember, Japan has 13 battle ships and 11 armored cruisers. That would be about 24 heavy-armored vessels. I will say, though, if you count the Japanese armored cruisers, you ought to count our 8 armored cruisers.

Mr. MADDEN. Have we not twice as many as Japan has?

Mr. HOBSON. I pointed out in my remarks the other day that, according to the official estimate, the American Navy is rated to-day at 685,000 tons warship displacement, and the Japanese navy is rated at 490,000 tons.

Mr. MADDEN. In view of the fact that the United States has, according to his estimate, 185,000 tons more warship displacement than Japan has, would not he consider that a fairly good equilibrium?

Mr. HOBSON. I will tell the gentleman that, unfortunately for America and for our naval policy, the distances between our oceans, even with the Panama Canal, are so great that a fleet cruising in one ocean could not reach the scene of devastation should our coast be raided in the other ocean, and all estimates for maintaining an equilibrium must be based on the necessity to maintain equilibrium in both oceans at the same time.

I yield to the gentleman from Tennessee [Mr. PADGETT].

Mr. PADGETT. I just wanted to say, in answer to the question of the gentleman from Illinois, that the United States has 33 first-class battle ships and Japan has 14. The United States has 15 cruisers and Japan has 11 or 12.

Mr. HOBSON. I think the gentleman has stated the units correctly.

Mr. MADDEN. Would that place the United States in as good a position on the sea as Japan occupies?

Mr. PADGETT. Our battle ships are larger and newer, and we could divide the fleet half and half—

Mr. MADDEN. And still maintain the equilibrium?

Mr. PADGETT. Yes.

Mr. HOBSON. I want to state to both of these gentlemen that I do not believe they will find one man in the American Navy or in any navy in the world that would recommend dividing the only fleet that America has to-day. That fleet must keep together in its present dimensions.

Mr. MADDEN. Why?

Mr. HOBSON. It is only when it is in its united strength to-day that it could hope to carry off victory in case of war with another power. In its full united strength it is now fast losing any chance of maintaining equilibrium in the Atlantic Ocean alone.

I now yield to the gentleman from Texas [Mr. SLAYDEN].

Mr. SLAYDEN. I want to ask the gentleman from Alabama to tell the House—and I dare say he is well informed on that and can do so—what amount of money the Japanese Government is spending on the development of its army and navy and what amount we are spending?

Mr. HOBSON. I will tell the gentleman that no one living can decipher those amounts or any similar amounts for the Japanese Government.

Mr. SLAYDEN. Why not? We have an idea of their revenues and we know their budget.

Mr. HOBSON. I will say to the gentleman, we do not know those facts. At a time when the Japanese appropriations were not enough to cover the building of a cruiser they were proceeding to build two *Dreadnoughts* and making other provisions. And if he will request the Office of Naval Intelligence in the Navy Department to specify what actually is being spent

in Japan for military and naval armaments, they will tell him it is impossible to find out.

Mr. SLAYDEN. Mr. Chairman, in reply to the gentleman, I dare say they may have hidden resources that we know nothing of, but we do know enough about the two countries, their comparative wealth and population, their comparative resources to-day, to know that \$1 spent by them for naval and military purposes is a greater drain upon the resources of their country than two or three or five dollars spent by this country.

Mr. HOBSON. I will agree with the gentleman, and say \$50.

Mr. SLAYDEN. And this idea that there is something mysterious, something frightful, something unseen or unknown about the "yellow peril" reminds one a great deal of ghosts. When you get up close to them they cease to exist.

Mr. HOBSON. I will say to the gentleman that the question of the "yellow peril" and the mystery referred to has not been touched on to-day, and has been invoked only by himself. However, I do not recommend the gentleman from Texas, or any other patriotic American, to close their eyes to the stupendous war preparations going on night and day on the other side of the Pacific Ocean, in which we are to-day practically defenseless.

I yield to the gentleman from Ohio [Mr. KEIFER] five minutes. How much time have I remaining?

The CHAIRMAN. The gentleman has two minutes remaining. [Laughter.]

Mr. HOBSON. Mr. Chairman, I ask unanimous consent for thirty minutes more.

Mr. KEIFER. Let me be recognized in my own right. I will yield him all the time he wants.

The CHAIRMAN. Does the gentleman from Alabama [Mr. HOBSON] reserve the balance of his time?

Mr. HOBSON. I reserve the balance of my time.

The CHAIRMAN. The gentleman from Illinois is recognized in opposition to the bill.

Mr. KEIFER. I wish the gentleman would yield me five minutes now.

Mr. MANN. Is the gentleman in favor of or opposed to the bill?

Mr. KEIFER. If I am yielded time, I will speak in favor of the bill.

Mr. MANN. I yield to the gentleman from Ohio to speak in favor of the bill.

Mr. KEIFER. Mr. Chairman, I very rarely make a bargain in advance as to what direction I shall attempt to give my discussion. I really am in favor of this bill, because it is very innocent and very little. In no event will it ever give to the American group of International Union a single dollar directly. It may be a basis, as I have already indicated in the recent colloquy that took place, of an appropriation from the proper Appropriations Committee or for amendments on the floor of the House when an appropriation for the navy is under consideration. It does not appropriate a dollar, and does not in any way indicate anything more than our willingness to do something to maintain the American group of International Union.

I want to say, Mr. Chairman, for the distinguished gentleman from Alabama, that he is the most profound, typical representative of war and peace that this country now has. [Laughter.] He is, however, entirely consistent in that.

Mr. HOBSON. My attention was directed in another way.

Mr. KEIFER. I am paying you a compliment. He has been in the past and is now insisting, and consistently, on building five, six, or seven new battle ships of the *Dreadnought* type. I personally do not go even halfway with him. I shall have to content myself in this session of Congress with voting for two; but the gentleman is consistent in his claim. He wants to carry out that maximum of pledge evolved in the House here by me some four years ago, not the same as the old one that was worked out from Washington's Farewell Address; but it is this: "In times of peace prepare to maintain it" [applause]; and the gentleman from Alabama insists on building battle ships, so that we shall at least have a relative force of ships of war with the other nations of the world, and at the same time he is in favor of a small per cent of the amount appropriated in the future being taken from the appropriations for them and applied to pay the expenses of our distinguished chairman of the American group of International Parliamentary Union, and for those gentlemen who have got courage enough and time enough and will devote it disinterestedly to attending those meetings in foreign countries. I believe that the gentleman from Missouri [Mr. BARTHOLOTT] has done a magnificent work in the interest of universal peace and to settle disputes by arbitration, and I would be very heartily in favor of this bill if I believed that it would accomplish what is proposed. I think, however, Mr. Chairman, it may be well enough to pass it, as I

promised to advocate it [laughter], so that we might give notice to future Congresses that we were in favor, in this year of our Lord 1910, of appropriations by future Congresses in the interest of arbitration and universal peace.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, I would like to call the attention of the committee to what this bill proposes. The proposition is that when new vessels of war are authorized to be constructed or purchased a sum not exceeding one-twentieth of 1 per cent of the amount authorized for their total cost may be set aside by Congress from the first appropriation toward the construction or purchase, to be expended under the direction of the executive committee of the American group of the International Parliamentary Union in conference with the Secretary of State. I never have seen, I think, a more skillfully prepared bribe of Members of Congress than this one. We have a group of the International Parliamentary Union which desires to be represented abroad. If they go abroad now, they pay their own expenses, or have in the past. Most of the gentlemen who are most interested about the group of the American Interparliamentary Union are opposed to the construction of many new battle ships. If this bill passes, they will be put in this peculiar attitude. We have a proposition in Congress for the construction of new battle ships; we have a proposition for an interparliamentary union, for the sending abroad of certain Members of Congress who belong to that union to attend international meetings of the group. These gentlemen are put in this position: If they vote against the battle ships, they vote against paying their expenses abroad. If they vote for the battle ships, they vote to have the Government pay their expenses abroad.

Now, I understand very well that gentlemen here are not influenced by personal considerations, and yet it is human nature to prefer to have the expenses of trips which are believed to be official paid from official funds.

I am frank to say that I do not want the temptation placed before me to warp my judgment when I vote as to whether we shall have new battle ships, that interlaced with it is the proposition that if I vote for battle ships Congress may send me to Europe at government expense. [Applause.] And yet that is all there is to this proposition. The only reason it was ever presented is that reason.

Mr. HOBSON. Mr. Chairman, will the gentleman permit an interruption?

Mr. MANN. Certainly.

Mr. HOBSON. I am sorry that the gentleman has such a low estimate of what would be a temptation in the nature of a bribe for himself. I wish him to thoroughly understand, though, that that is not my judgment of the position of other Members.

Mr. MANN. I yielded for a question. The gentleman has occupied an hour of time.

Mr. HOBSON. And permit me to say that what he says is the object of the bill is in no sense the object of the bill, and in no sense an argument for its passage.

Mr. MANN. Very well; I will undertake to discuss that, if the gentleman will not take my time.

Mr. HOBSON. I offered the gentleman my time.

Mr. MANN. The gentleman has no time to offer.

Mr. HOBSON. I offered it before.

Mr. MANN. And I did not occupy the gentleman's time except for a question, and I prefer that the gentleman will not occupy my time. We have already provided a fund or a contribution by the United States Government toward the maintenance of this International Parliamentary Union. It is not necessary to get it out of the naval appropriation for battle ships. We have provided a fund—\$2,500—for the next year, through the diplomatic bill, for the maintenance abroad of the central office of this Interparliamentary Union. Why, then, do they wish to have more money? I do not say that the American group should not have their expenses abroad paid. I have no objection to that at all. But why is it coupled with a proposition for new battle ships?

What relationship is there between the interparliamentary union and the building of new battle ships? Who can perceive any relationship except the distorted imagination of my distinguished friend from Alabama? The coupling of these two propositions is for the sole purpose, as I said before, to tempt the men in this House who wish to send Members abroad for the interparliamentary union.

Mr. HOBSON. I rise to a question of personal privilege and call the gentleman to order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. HOBSON. The gentleman is out of order in stating that the object is to place a temptation—

Mr. DOUGLAS. Does it not do that in effect?

Mr. HOBSON. It does not. If it had any such effect, it was not the object, and no Member has a right to stand here and say that I had that object in view. [Applause.]

The CHAIRMAN. The Chair assumes that the gentleman from Illinois is familiar with the rule that gentlemen should not impute motives.

Mr. MANN. I have not imputed any motives.

Mr. HOBSON. I call the gentleman to order. An apology is in order or else he is out of order. The gentleman is very free with his tongue—

Mr. MANN. Oh, Mr. Chairman, the gentleman from Alabama now is getting too free with his tongue.

The CHAIRMAN. Gentlemen will be in order until the point of order is decided. The Chair will ask the official reporter to read the exact words.

The Official Reporter read as follows:

What relationship is there between the Interparliamentary Union and the building of new battle ships? Who can perceive any relationship, except the distorted imagination of my distinguished friend from Alabama? The coupling of these two propositions is for the sole purpose, as I said before, to tempt the men in this House who wish to send Members abroad for the Interparliamentary Union.

Mr. HOBSON. Does the gentleman—

The CHAIRMAN. The gentleman from Alabama will be in order. The gentleman from Illinois evidently was wrong, in so far as he imputed motives of an ulterior nature to the gentleman from Alabama or to any other Member of the House in debate, and the Chair trusts that the gentleman from Illinois will proceed in order.

Mr. MANN. Mr. Chairman, I regret that my friend from Alabama felt impelled to raise the point of order. Of course in discussing this bill I am discussing the results of the bill as I understand them. I never have, and never will, impute improper motives to the gentleman from Alabama or to any other Member of this House.

The CHAIRMAN. The Chair understood the gentleman from Illinois to address himself to the inevitable results of the bill and not to the gentleman from Alabama.

Mr. MANN. Of course, and everybody else so understood it, and I wish the gentleman from Alabama would so understand it.

Mr. HOBSON. I will say to the gentleman from Illinois that if he intends by that method to withdraw his statement that the object of this bill was for the purpose of putting a temptation before Members of the House to vote for battle ships, I accept his apology. [Laughter.]

The CHAIRMAN. The House has already accepted the statement of the gentleman, and the gentleman from Illinois will proceed.

Mr. MANN. Mr. Chairman, in order that the gentleman from Alabama may understand that I am not endeavoring to reflect upon him, I will say that the sole effect of this bill, if enacted into law, is to place a temptation before Members of Congress who are interested in the Interparliamentary Union, interested in peace, to vote for large appropriations for battle ships so that they may get one-twentieth of 1 per cent to send Members of Congress abroad. It will be a temptation—I do not mean an improper temptation in that sense at all—but it will be a temptation, when propositions for new battle ships come before the House, to vote for them, if a part of the money authorized for the construction or the purchase of battle ships is to be set aside for the use of the Interparliamentary Union. I say that becomes a temptation to those who would otherwise be opposed to battle ships to vote for the proposition.

Mr. HOBSON. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. HOBSON. Does the gentleman understand that this does not carry the money—that there would have to be a vote in each specific case?

Mr. MANN. I understand what the bill is very well. Now, I can see no other effect of this bill. If Congress wishes to appropriate money directly for the Interparliamentary Union we have the power to so provide. There is no occasion for connecting it with appropriations for battle ships. If we wish to consider the Interparliamentary Union, we know how to do it. If we wish to pay the expenses of delegates to national conferences, we know how to do it. There is no connection between it and the proposition for the construction of battle ships, and the only effect, notwithstanding the opinion of my friend from Alabama, is to link the two propositions together to strengthen a vote for battle ships when a vote for battle ships directly does no appeal to Members of Congress.

Mr. HOBSON. Will the gentleman permit another suggestion?

Mr. MANN. Certainly.

Mr. HOBSON. I will say to the gentleman that he might substitute for the word "strengthen" the word "sanctify." [Laughter.]

Mr. MANN. Well, I have no doubt that is the way the gentleman believes. The gentleman believes in the sanctification of battle ships, and I believe in the sanctification of peace. [Applause.]

I yield ten minutes to the gentleman from Missouri [Mr. BARTHOLDT].

Mr. HOBSON. Mr. Chairman, I ask unanimous consent that debate on the measure and amendments close in twenty minutes. The hour is getting late.

Mr. MANN. Mr. Chairman, I do not know whether I shall have any objection to that at the end of my hour or not, but for the present time I desire to maintain the floor.

The CHAIRMAN. The gentleman from Illinois has been recognized for one hour and can not be taken off the floor. The gentleman from Missouri is recognized for ten minutes.

Mr. BARTHOLDT. Mr. Chairman, I have been asked time and again by the friends of the cause of arbitration and international good will to introduce a bill of this character, but I have invariably declined to do so, for the reason that I could see no actual relation between battle ships and peace. I should much prefer if this proposition came here not coupled with any appropriation for purposes of war. It comes from one of the great war committees of the House, and it almost seems as if the gentlemen who are voting for these tremendous armaments year in and year out were trying to create a sort of conscience fund here. If this Congress or this House is willing to make an appropriation for the great cause of peace, in my judgment it should be made directly, and, as far as such appropriations are concerned, I have tried to move slowly. At this session of Congress, at the instance of the leaders of the Interparliamentary Union in other countries, I merely introduced an amendment to the diplomatic bill making a small appropriation of \$2,500 for the maintenance of the International Bureau of the Interparliamentary Union. These appropriations are now being made by all civilized countries on earth in order to enable that great organization to have and maintain general headquarters and a general secretary at Brussels.

I want to say parenthetically that eventually the headquarters of this organization will be transferred from Brussels to The Hague, namely, as soon as the great Palace of Peace is completed, which an American citizen is erecting in that capital.

Mr. FASSETT. Will the gentleman yield?

Mr. BARTHOLDT. Certainly.

Mr. FASSETT. If the gentleman has stated it to the House, it was my misfortune not to hear what he had to say, and I shall not ask him further to do it; but if he has not stated it to the House, I suggest first the propriety of telling the House just how this Parliamentary Union is made up; whether it is a body incorporated or whether it is an association for volunteers who come together for this great purpose; and then, whether, in his judgment, it would not be better to have a responsible official department, provided this Government is to make appropriations for part of these expenses or all of them.

Mr. BARTHOLDT. Mr. Chairman, to answer the question would probably lead me too far, but if I can have an extension of time I would be only too glad to say something more about the organization.

Mr. FASSETT. I ask the question largely because, considering that appropriations have been granted before, objection has been made on the part of some Members of Congress that it was something of a new departure to make contributions to a voluntary organization.

Mr. BARTHOLDT. I will state for the information of the gentleman and the House that in 1887 a few members of the French Parliament and a few members of the English House of Commons met in Paris for the purpose of discussing questions which might be of common interest to them all. That was the initial meeting of what afterwards became the great Interparliamentary Union. In 1888, one year later, there were between 40 and 50 members of the House of Commons and about 50 members of the French Chamber of Deputies who met in Paris and formally organized this union. At first it was merely an organization for the promotion of good will, for the purpose of enabling these gentlemen to become acquainted with each other, to talk about common affairs touching the interest of the two countries, but very soon thereafter they took up the question of arbitration, which simply in their minds meant, to put it tersely, to extend the rule of law beyond the boundary lines of their own countries to international relations.

From year to year conferences of that organization were held in different cities of Europe. They met in Rome; in Paris;

in Brussels; at The Hague; in Budapest, Hungary; in London; and in 1908 at Berlin, and there it was for the first time in the history of the union that the great military nation par excellence, Germany, extended its hospitality to the members of that great organization. In 1904 the Interparliamentary Union met at St. Louis, and it was at that conference that the resolution which is now known in all the cabinets of the world as the Resolution of St. Louis was adopted, providing, first, that the governments should at once proceed to the conclusion of general arbitration treaties, and, second, that the President of the United States should be requested to ask the powers of the world to convene at a second international conference to be held at The Hague. I desire also to confirm what has already been said by the gentleman from Alabama [Mr. HOBSON], that the First Hague Conference was also due to the influence of the Interparliamentary Union and it came about in a very peculiar way. A high official of that organization went to St. Petersburg and was received by the Czar.

The Czar asked him how it was that at the last conference of the Interparliamentary Union Russia was not represented. The answer of the gentleman was that Russia could not be represented in an organization of this kind because it had no parliament. Thereupon the Czar, a few weeks later, issued his celebrated manifesto inviting the nations of the earth to convene for the purpose of discussing measures looking to the gradual disarmament of all the nations, so that really both Hague conferences are the result of the activities of the Interparliamentary Union. I want to say further, while it is a voluntary association, not only in our country, but in all parliaments, it has been recognized by all the governments to the extent that its meetings are always held in the parliament buildings and are usually opened by speeches of welcome on the part of the prime ministers. It is an association of lawmakers, or members of parliament, who merely subscribe to the cause of arbitration. That is all. No pledge of any kind is exacted from them. They do not have to pledge themselves even to vote against battle ships, though, in my judgment, it would be inconsistent for them to vote for constant and unnecessary increases of armaments. Now, Mr. Chairman, this coupling of the idea of arbitration and peace on the one side—

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. MANN. I yield the gentleman five minutes.

Mr. BARTHOLDT. I thank the gentleman from Illinois. This coupling of the idea of arbitration and peace on the one side and war upon the other must naturally be distasteful to many of us. We regard war as absolutely wrong. We regard war as a crime against civilization, and I for one do not feel like compromising with a wrong, and I would therefore much prefer if this House could be induced to make a direct appropriation for this purpose instead of coupling it with appropriations for battle ships. [Applause.] There is an organization which has recently been created in this country which advocates peace and war at the same time. Probably that organization is behind this bill. I have always thought the action of a seesaw to be this: When one end goes up the other goes down, so that when war goes up peace goes down, and when peace goes up war goes down, but these gentlemen propose to make both ends of the seesaw go up at the same time. [Laughter and applause.]

Mr. HOBSON. If the gentleman will permit, I simply want to say to the gentleman that the Peace and Arbitration League of America is not behind this any further than I happen to have the honor of being a member of it.

Mr. BARTHOLDT. Very well; I accept the gentleman's statement.

Mr. HOBSON. And I did it on my individual volition.

Mr. BARTHOLDT. Mr. Chairman, this is to me a very important matter. Since we have discussed this bill for so long, I hope something will come of it. I hope it will not be voted down, because I believe a vast majority of the membership of this House is willing here and now to make an appropriation for peace and arbitration, and I want to say that it is not asked for the purpose of enabling members of the Interparliamentary Union to make a trip to Europe. I would for one be always willing to pay my own expenses for that purpose, but there are many other objects for which these few dollars might profitably be expended. I cite one instance. From recent history you all remember that there was great friction between Great Britain and Germany. It seemed almost as if their relations would become so strained that a war would eventually result. Then it was that members of the Interparliamentary Union of England, headed by Lord Weardale, the great peace leader in the English Parliament, proposed that a delegation of the members of the House of Commons visit Berlin, and they did visit

Berlin and visited other cities of Germany and in return members of the German Reichstag visited London and other places in England, and as the result of these mutual visits—that is, after these gentlemen representing the two great nations had touched elbows for a little while and had talked their affairs over—the war clouds disappeared and the “entente cordiale” between the two nations is now reestablished. [Applause.]

That was the result of an appropriation which the English Parliament made. They are setting aside a fund of \$150,000 a year for that purpose, and I think the American Congress could not possibly expend any money for a grander and nobler purpose than for the promotion of the cause of good will and amity among the nations.

Mr. BUTLER. Will the gentleman inform me what the English naval budget amounts to this year?

Mr. BARTHOLDT. I think the English naval budget amounts to \$132,000,000 this year.

Mr. BUTLER. One hundred and thirty-two millions?

Mr. BARTHOLDT. Yes, sir.

Mr. BUTLER. I saw it published in the papers at \$237,000,000.

Mr. BARTHOLDT. The gentleman is mistaken. He will find I have stated the exact amount—\$132,000,000.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. MANN. Mr. Chairman, I yield ten minutes to the gentleman from Arkansas [Mr. ROBINSON].

Mr. ROBINSON. Mr. Chairman, I do not know of any Member of this Congress who, in theory at least, is not anxious to promote the cause of international peace, and some of us who rarely discuss it here are, in my judgment, quite as loyal to the cause as others who more frequently speak of it. There are some reasons why I can not support the pending bill, and the first reason that I assign to the committee is that I do not believe that an appropriation for the promotion of the cause of peace ought to be made dependent upon appropriations to provide for armament or the munitions of war. And the second reason that I assign is that this bill minimizes the consideration which Congress is to give the cause of peace and puts a premium upon voting large appropriations for battle ships.

I am willing, Mr. Chairman, that each of these causes should be made to stand upon their own ground, and in the past I have voted, as I expect to vote in the future, every dollar that I believe to be necessary to maintain the naval establishment of this Government on such a basis as in my judgment it ought to be maintained. But I ask the gentleman from Alabama [Mr. HOBSON], and I ask other gentlemen who support this bill, upon what theory is an appropriation to promote peace, a small appropriation, made dependent upon voting a large appropriation for armament? This bill does say to the friends of international peace that only one two-thousandths of every dollar you vote for battle ships shall be provided for the promotion of the cause of international peace.

Mr. HOBSON. Will the gentleman yield?

Mr. ROBINSON. Certainly.

Mr. HOBSON. I assume the gentleman realizes that other appropriations could be made directly at any time. This does not prevent other appropriations being made at any time.

Mr. ROBINSON. And the gentleman's statement shows that there is no necessity for this bill. This Congress has the power now to make a suitable appropriation for the promotion of the cause of international peace, and, as I stated to the gentleman from Alabama [Mr. HOBSON] during his remarks, I intend, if I have the opportunity, to offer an amendment which the members of this committee may approve if they believe the adoption of that amendment is necessary, separating any appropriation for peace from appropriations to maintain the military establishment. And in this connection I will read to the committee now the amendment which I purpose offering. It is as follows:

Strike out all after the enacting clause and insert the following: “That there is hereby appropriated, out of any funds in the Treasury not otherwise appropriated, the sum of \$10,000, or so much thereof as may be necessary, for the promotion of the cause of international peace, to be expended under the direction of the Secretary of State.”

Now, Mr. Chairman, if it is desired and it is necessary that an appropriation be made, let us make it expressly and independent of the cost of battle ships. Why, I repeat, should a bill be passed saying that only one two-thousandths of the fund that is appropriated for battle ships shall be used for appropriations for the promotion of peace? Are not gentlemen here ready to vote any sum which in their judgment is necessary to promote the cause of international peace? Every dollar, in my judgment, expended in that way, notwithstanding the statement made by the gentleman from Alabama [Mr. HOBSON], that our armaments have been almost the sole in-

fluence that has preserved international peace during recent years, will produce more good in the end than hundreds of dollars spent for the maintenance of armaments. In making that statement I do not say that it is not the duty of this Congress; on the contrary, it is our duty, and it will be our pleasure to provide such funds as may be necessary for maintaining the naval establishment. [Applause.]

I yield back to the gentleman from Illinois [Mr. MANN] the balance of my time.

Mr. MANN. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. BENNET].

Mr. BENNET of New York. Mr. Chairman, I am one of those who, as in previous years, will vote for the naval programme as reported by the committee. As was said by my eloquent and distinguished colleague [Mr. FASSETT] two years ago, it is more or less of a guess. We may not need the two ships, and we may need them, and I prefer to guess in favor of the maintenance of an adequate protection for peace.

I am in sympathy, in a way, with the spirit of the resolution of the gentleman from Alabama; but I do not think, as drafted, it accomplishes anything at all. Possibly when this bill reaches a time for a vote we will be confronted with a great opportunity. Our great free Nation has at present no menace of antagonisms. We have a navy within our means; we are not pressed as to resources, and the whole world knows it. We are reaching out for the territory of no other nation, and the whole world knows that. We are the only Nation that, in the last century at least, has fought a war entirely and alone in the name of humanity. That gives us the right to say to all the world, “Let us have peace,” and to pass such legislation as will bring the day of universal peace nearer. Therefore I propose, Mr. Chairman, when the proper opportunity arises, to offer as a substitute to the bill this as a concurrent resolution:

Resolved by the House of Representatives (the Senate concurring), That the President of the United States be respectfully requested to consider the expediency of calling an international conference for the purpose of considering the possibility of limiting the armament of the nations of the world by international agreement.

[Loud applause.]

I do not wish the introduction of that amendment or the advocacy of it here now to be construed as a wavering on my part at all toward the policy that this administration is pursuing, and that the preceding administrations have pursued, of maintaining an adequate defense. But the time will come when the great, growing, excessive cost of navies, the burdens of which are greater on other nations than on ours, will cause the whole civilized world to pause, will cause even the most enthusiastic to count the cost. Why can not we this day in Congress, in a time of profound peace, start the movement from the greatest capital of the greatest Nation in all the world? [Loud applause.]

Mr. MANN. I yield five minutes to the gentleman from New York.

Mr. FASSETT. Mr. Chairman, I doubt if I shall take five minutes. I am very much pleased with the scope and purpose of the amendment proposed by the gentleman from New York. It is a good move, a move which I hope will blossom into great results. It is a move to propose a mutual disarmament. This world is growing, and has been growing, armament mad. Ten years ago it cost us in the United States 50 cents apiece a year for our naval insurance. It has cost us an increase of 30 per cent every year for the last twenty or thirty years. At that rate of increase our own naval insurance costs us now \$1.50 apiece for every one of the 90,000,000 people in this country, and in thirty years it will cost us nine times that. So that in thirty years, if we keep on in this mad race, it will cost us over \$1,250,000,000 a year to keep up what the gentleman from Alabama so correctly and enthusiastically describes as an equilibrium. It is too bad an equilibrium can not be maintained at a lower scale and on a cheaper basis. I am not one of those who believe that unarmed justice ever gets full respect at the hands of individuals or of nations; but I do believe that this country is the one country that can well afford to stop this expensive, this extravagant, this wasteful, this wicked game of international bluff. [Loud applause.] I think, if necessary, we should make an end of this game of bluff. If England builds 10 great *Dreadnoughts* or Germany 12 or Japan 6, why, then, let us build 10, 12, or 20. This is apparently a game of mere war with dollars. If it is only a question of the incantation use of the national resources, then I would be in favor, if we can not lead the nations of the world in any other way to peace, to absolutely stupefy them with our efforts, and bluff the balance of the world by what must be conceded is a startling suggestion of what we really could do if we succumbed to the lust of the game for monstrous armaments.

I would bring a resolution into this House giving every one of our 46 States, each one a rich nation in itself, permission to build, equip, and maintain a *Dreadnought* of the first class, and every ship that should go with her. Forty-six States are able to do that, and if that is necessary to purchase peace for the world, it might be cheap at that.

But we are going forward into extravagance at such a rate that peace will soon become more expensive than war; and the gentleman from Alabama [Mr. HOBSON] may well consider whether he is not pointing us to a pathway, the utter extravagance of which will make war inevitable, necessary, and universal, which will endure and harrow us and all the world until we have punished ourselves into a proper humility of mind so that all nations may come back to the only solvent of international and personal problems ever yet enunciated on earth, and attempt to live according to the old moral precept "Therefore all things whatsoever ye would that men should do to you, do ye even so to them." [Applause.]

For after all the solution is to be from a light within rather than from a *Dreadnought* from without.

Mr. MANN. How much time have I remaining?

The CHAIRMAN. Fifteen minutes.

Mr. MANN. I yield five minutes to the gentleman from Texas [Mr. SLAYDEN].

Mr. SLAYDEN. Mr. Chairman, this discussion of the possibilities of war and peace has just led a friend on the floor to make the suggestion that as the great pacificator, our ex-President, is now in Europe, and has lately poured oil on the waters of the Nile, perhaps he ought to be instructed to begin negotiations for universal peace and disarmament. [Laughter.] In my judgment that would be just as appropriate as to begin legislation for the development of the peace spirit, and the maintenance of peace with the proposition that has emerged from the Committee on Naval Affairs. With all due respect to the gentlemen who compose that committee, all of whom are my friends, all of whom are gentlemen of integrity, I would as soon expect a tender ewe lamb to come unscathed from the jaws of a ravening wolf as to expect a real peace movement to emanate from the Committee on Naval Affairs. [Laughter.]

There has been a vast deal of talk in this and other countries for a number of years by gentlemen who advocate tremendous armaments, protesting always that it is in the interest of peace.

Mr. Chairman, it is cant, pure and simple. The majority of the people who are obsessed with this idea of great armaments, regardless of the cost to the people, regardless of the fact that this Government, as just pointed out most eloquently by the gentleman from New York [Mr. FASSETT], is being run upon a plane of extravagance unparalleled in the history of the world, the majority of these people want to go on developing the navy and the army of the United States, until finally we will be compelled to curtail every appropriation for the real interests of our country in other directions, for the development of our industries, for the opening of our ports, and the making navigable of our great rivers. Why, sir, we are expending twice as much money, or approximately so, each year for the maintenance of our army and navy as is the country that seems to so terrify the majority of the people in this House, the poor, poverty-stricken little country of Japan, that is more than 7,000 miles from our shore and is without a coaling station over here, without a harbor into which they could go in the event of war and come out prepared to do us any hurt. And yet, gentlemen urge us to divert appropriations that might be employed for industrial development to be wasted in the purchase of 4, 8, 10, or 12 battle ships a year, costing anywhere from \$40,000,000 to \$120,000,000.

I sincerely hope that the Senate amendment to the diplomatic and consular appropriation bill, making the insignificant appropriation of \$2,500 as an annual contribution toward the peace movement, to be expended under the direction of the Interparliamentary Union, will be agreed to by the conferees and adopted by this House. It is a trifling sum, and this great Government and this Congress ought to be ashamed of the fact that it lags behind Switzerland, Sweden, Belgium, and countries of that size, which, compared with ours in population and wealth, are relatively insignificant. Furthermore, Mr. Chairman, I am opposed to this resolution, as every other gentleman who has spoken of it appears to be, because it is unnecessary.

We already have the right to appropriate money for this purpose, and this is nothing but an indirect way of amending the rules. If we are going to amend the rules, I want to do it as we did last week, and get a little more fun out of it. [Laughter.]

Mr. MANN. I now yield five minutes to the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Chairman, this is one of the most extraordinary suggestions that has ever emanated from a great committee of this House. I am sufficiently old fashioned to believe that whatever power Congress has to appropriate money is to be found in the Constitution. I find that this committee seriously proposes to enact a law which would give Congress hereafter the power which apparently, in the opinion of some gentlemen, it does not have at the present time.

This bill proposes that "after the passage of this act" Congress may set aside a certain amount of money for a certain specific purpose. If Congress can declare its power to do a certain thing regardless of the Constitution, then the necessity for a liberal construction of the Constitution has been obviated and a new method has been found to impose upon Congress unlimited powers of legislation.

The confessed object of this bill, however, is not to promote peace. It is to avoid the effect of a very salutary rule of the House. That rule has not been changed since the year 1885.

Mr. HOBSON. Will the gentleman yield?

Mr. FITZGERALD. For a question; I have only five minutes.

Mr. HOBSON. The gentleman states the avowed purpose of the bill. I would like to know who has avowed that purpose.

Mr. FITZGERALD. I am making this speech and I do not want to be discourteous to the gentleman. He had one hour and I have only five minutes. The avowed purpose of the bill is to promote peace. I will read the title of the bill to justify the assertion. "A bill to promote the cause of international peace and arbitration." If that is not the purpose of the bill, if that be not the avowed purpose of the bill, it is a misnomer.

The real purpose, as was stated by the gentleman from Alabama himself, is to make in order upon an appropriation bill an item which would not be in order on the naval appropriation bill which is now pending in the House. If those who urged this bill had really been sincere in a desire to appropriate money to promote peace, would it not have been much more in accord with the desire to have prepared and introduced and had reported a bill making an appropriation for the purpose of promoting international peace and arbitration? It would have come up to-day, on calendar Wednesday, and if it had been a meritorious measure it would have received the unanimous support of the Members of this House.

But this bill does not make an appropriation; it is designed to tie up Congress in its constitutional right to make rules by an act of Congress, and that has been held so frequently to be ineffective that if this bill did become a law it would not accomplish the purpose of those who support the bill.

Mr. Chairman, if I were to take this measure seriously, I would oppose it on this ground. If it be necessary to appropriate money to promote peace, such an appropriation should not be made dependent upon the amount which is to be appropriated to promote war. If no new vessels are authorized in the next year, then no appropriation to promote peace would be in order on the naval appropriation bill.

If this bill were now the law, and if it were held to authorize an appropriation for the purpose stated, it would not be in order to appropriate more than \$7,000 to promote peace, because the new construction in the naval appropriation bill from a hasty examination I find is to be \$14,000,000.

Mr. MANN. Twenty-eight million dollars.

Mr. FITZGERALD. I found fourteen millions authorized in the bill—two battle ships, exclusive of armor and armament, \$12,000,000, and two colliers at a million dollars apiece, and I assume that the limit of cost, exclusive of armor and armament, is the limitation. But if it were desired to appropriate \$10,000 to promote international peace and arbitration, Congress would be compelled to authorize an appropriation of \$20,000,000 for new vessels for the navy.

And if the Congress had provided vessels which, in the opinion of the gentleman from Alabama himself, would give a sufficient navy to the United States, so that even in the gentleman's opinion an additional ship would not be necessary at any period in our history, then under such circumstances he could not propose and have accepted an appropriation of even \$1,000 to promote peace. It seems to me, Mr. Chairman, to be a very ridiculous method of reaching a desired end.

If I desired to appropriate money for the use of the American group of the Interparliamentary Union in order to promote peace and international arbitration, I would vote to authorize the appropriation at once. I would not tie it up in this indefinite way and make a permanent appropriation of it, so that if it be not used one year it can be used another year. For instance, if the gentlemen who are interested in this group determine not to visit Europe or wherever the meeting might happen to be in any one year, this appropriation would not,

like other appropriations, lapse, but it would remain available until some other time, when somebody would be willing to go abroad at the expense of the Government to participate in this highly beneficial and desirable movement. The language used in the bill makes the appropriation what is known as a permanent appropriation, the language being, "shall be available until expended." Mr. Chairman, I am opposed to this bill for another reason. This day was set aside by the House in order to give an opportunity to consider important and meritorious bills, regardless of the wish of any particular individual or group of individuals. If bills of this character, which, in my judgment, have absolutely no merit, are to be injected here and the time of the House taken up in enacting a law which will be absolutely futile after it is enacted, then the purpose of establishing calendar Wednesday will be entirely frustrated. I hope, as a lesson to everybody in the House and as a salutary notice to Members, that this bill will be laid upon the table at the earliest opportunity. [Applause.]

Mr. MANN. Mr. Chairman, giving notice that at the proper time I shall move to strike out the enacting clause of the bill, I yield the balance of my time to the gentleman from Kansas [Mr. SCOTT].

The CHAIRMAN. The gentleman is recognized for two minutes.

Mr. SCOTT. Mr. Chairman, I am in entire accord with the purpose of this bill, but I am in utter disagreement with the method by which that purpose is sought to be reached. It seems to me not to comport with the dignity of the Congress of the United States to do by indirection that which it has ample power to do directly. The gentleman from Alabama [Mr. HOBSON] has stated that one of the principal purposes sought in this bill is the official recognition of the Interparliamentary Union and an adequate support of our share of its expenses. It seems to me that this recognition has already been extended in a sufficiently striking way by the amendment to which allusion has been made here this afternoon to the diplomatic appropriation bill—an amendment appropriating \$2,500 as the contribution of the United States toward the support of the work of this union. I understand the gentleman from Missouri [Mr. BARTHOLDT] to say that he offered that amendment at the suggestion of the union, that the amount is all that he asked for, and that he is satisfied with the recognition thus extended. If more money is needed next year, I am sure a proposition put directly to Congress, without such a subterfuge as that resorted to in this bill, would meet with favorable consideration.

The CHAIRMAN. The Clerk will read the bill under the five-minute rule.

The Clerk read as follows:

Be it enacted, etc., That after the passage of this act, whenever new vessels of war are authorized to be constructed or purchased, a sum not exceeding one-tenth of 1 per cent of the amount authorized for their total cost may be set aside by Congress from the first appropriation toward their construction or purchase for the purpose of promoting the cause of peace and arbitration between nations, to be expended under the direction of the executive committee of the American Group of the Interparliamentary Union, in conference with the Secretary of State, and said amount shall be available until expended.

With the following committee amendments:

Line 5, page 1, strike out the word "one-tenth" and insert in lieu thereof the word "one-twentieth."

The CHAIRMAN. The question is on agreeing to the committee amendment.

Mr. FITZGERALD. Mr. Chairman, before that question is taken I move to strike out the enacting clause, which I believe comes first.

Mr. HOBSON. Mr. Chairman—

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. HOBSON. To discuss the amendment under the five-minute rule.

The CHAIRMAN. The Chair thinks that that may be debated for five minutes. The Chair will recognize the gentleman from Alabama.

Mr. HOBSON. Mr. Chairman, the remarks that preceded the amendment of the gentleman from New York indicate that he has certainly not given this question serious consideration, as he stated. It is incredible that a gentleman with his knowledge of the rules of this House should have stated that the effect of this measure is to place a limitation when it clearly is an extension of the scope of an appropriation bill. It is ridiculous for him to assert that this measure would "tie up Congress;" that this measure would "compel Congress." The truth is, the measure is very simple. It leaves the question of making an appropriation to the future discretion of Congress. All of the argument against the measure recently advanced has been based on an untenable assumption. It is not contended that we ought not

to make appropriations for promoting peace and arbitration, but that the appropriations ought to be made directly. The assumption is that there is no logical connection between armaments and arbitration.

I will suggest to Members here that the peace experts of the world who are now studying the question of arbitration and the question of armaments are coming to recognize an intimate and inseparable relation between the two as correlative means for justice. Arbitration is the happy means of settling differences toward which the world is groping. Armaments are the means of to-day. As you increase arbitration in its effectiveness, you can diminish armaments in their burdens. Peace experts of the world are endeavoring to bring about an arrangement under which when an appropriation is made for armaments, the less desirable but existing method of to-day, that there will be an appropriation for promoting and hastening arbitration, the more desirable method of the future. It is only the more reason why we ought to adopt this measure that the burdens of armaments are becoming intolerable. The burdens of the imperfect method have become such that all the nations are staggering beneath them, and it is surely time that we should hasten as fast as possible the day when we can give up that imperfect way and adopt the more perfect way.

The two are logically together in the efforts of the civilized governments to provide for the adjustment of international differences. For America the equilibrium of armaments rests almost wholly upon our navy. This measure comes properly from the Committee on Naval Affairs, and an appropriation for arbitration would rest properly with the appropriation for new ships, though this can not be the only appropriation for arbitration. The idea that the limitation of one-twentieth of 1 per cent minimizes peace has no basis. I would stand to-day to appropriate \$100,000,000 if it could be efficiently spent to promote the cause of arbitration. I would think that the conditions were reversed, when one-twentieth part of the appropriation for arbitration would suffice for appropriation for armament. As a matter of fact, the bill would permit of a larger appropriation annually for arbitration than the gentleman from Arkansas provides in his amendment for a lump sum. His amendment would minimize peace. It is only one-fifteenth of what the British Parliament has appropriated in a lump sum.

This bill properly links arbitration and armaments. It gives official recognition to the Interparliamentary Union. Under its provisions a regular appropriation for arbitration could be carried by the naval appropriation bill. There is now no appropriation bill for peace or arbitration. I would desire to see the amount larger, but as the bill shows the amount would run from \$10,000 to \$15,000 a year, and it would not interfere with a special appropriation of a lump sum, such as suggested by the gentleman from Arkansas [Mr. ROBINSON] in his amendment, or such as many gentlemen say they would like to see made for the cause of peace and arbitration, I would suggest to the gentleman from New York [Mr. BENNET] in connection with his proposed substitute, that the First Hague Conference and the Second Hague Conference and similar conferences have taken up and are now taking up the question of disarmament, and are doing their utmost to promote it, but they find that the backward stage of arbitration is the fundamental stumbling block in their way. Until arbitration becomes more effective, the responsible governments of the world feel compelled to rely chiefly upon armaments.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. FITZGERALD. Mr. Chairman, in the opening statement of the gentleman from Alabama he said that the purpose, or one of the purposes, of this bill was to make in order on the naval appropriation bill an appropriation for the purpose specified in this bill. I expressed the opinion that even if this bill were passed it would not accomplish that purpose. I will not argue that question further with the gentleman now, but I express it as my opinion. I am under the impression, and I gave considerable attention to the gentleman's opening remarks, that that was the real purpose of the bill, to make it possible to carry in the naval appropriation bill this appropriation for peace and international arbitration. Of course I am aware that the House would not be tied up in its appropriations if it attempted to make them in some other way than on the appropriation bill any more than the House is now prevented from appropriating for this purpose in some other way than on the naval appropriation bill. This bill is to make in order on the naval appropriation bill an item for the purpose mentioned in the pending bill, and the House will be limited in the way indicated in this bill. I am opposed to making appropriations in that way. The rule is that no appropriation shall be in order unless it is authorized by

law; and I submit that this bill would not make such an appropriation in order. It provides that—

after the passage of this act, whenever new vessels of war are authorized to be constructed or purchased, a sum of not exceeding one-twentieth of 1 per cent of the amount authorized for the total cost may be set aside by Congress from the first appropriation toward their construction or purchase, for the purpose of promoting the cause of peace and arbitration.

I submit that is nothing more than a useless declaration of the power that Congress now has, to set aside a certain portion of the appropriation for this purpose. The whole object, and the only object, of this bill is to make in order at some future time upon the naval appropriation bill an appropriation which is not now in order, and I am opposed to enacting legislation for such a purpose, and therefore I moved to strike out the enacting clause as the most effective way of defeating the bill.

Mr. BENNET of New York. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. That motion is not in order.

Mr. BENNET of New York. Mr. Chairman, I rise for the purpose of a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BENNET of New York. Mr. Chairman, would it be in order to offer an amendment by way of a substitute, to which I alluded in my previous remarks, with the motion now pending?

The CHAIRMAN. It would not. The motion to strike out the enacting clause takes precedence of all substitutes or all amendments of any kind that may be offered.

Mr. BENNET of New York. And if the motion of the gentleman from New York, my colleague, prevails, would any other motion be then in order?

The CHAIRMAN. It would not, except the motion to rise.

Mr. BENNET of New York. Another parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BENNET of New York. If the motion of my colleague is voted down, would it then be in order to offer the amendment by way of a substitute, which I have already read?

Mr. MANN. If the gentleman has the floor.

The CHAIRMAN. The Chair would consider the amendment, but the Chair does not care to pass upon it at this time.

Mr. BENNET of New York. At any rate, it would be in order to attempt to offer it?

The CHAIRMAN. It would.

The question is on the motion of the gentleman from New York [Mr. FITZGERALD] that the enacting clause be stricken out.

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

Mr. FITZGERALD. Mr. Chairman, I move that the committee do now rise and report the bill to the House with a recommendation that the enacting clause be stricken out.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CURRIER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 125) to promote the cause of international peace and arbitration, and had instructed him to report the same back to the House with the recommendation that the enacting clause be stricken out.

The SPEAKER. The question is on agreeing to the recommendation of the Committee of the Whole House on the state of the Union.

The question was taken, and the enacting clause was stricken out.

On motion of Mr. FITZGERALD, a motion to reconsider the vote by which the enacting clause was stricken out was laid upon the table.

LEAVE OF ABSENCE.

Mr. HOUSTON, by unanimous consent, was granted leave of absence indefinitely, on account of illness.

Mr. GILMORE, by unanimous consent, was granted leave of absence indefinitely, on account of sickness.

Mr. HOBSON. Mr. Speaker, from the Committee on Naval Affairs, I call up the bill H. R. 131—

Mr. BENNET of New York. Mr. Speaker, I make the point of order that there is not a quorum present.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bill:

H. R. 19028. An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1911.

SENATE BILLS AND RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, Senate bills and joint resolutions of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 7336. An act to authorize the Secretary of the Treasury to purchase such additional land as may be necessary for the enlargement of the post-office and court-house at Wilmington, Del.—to the Committee on Public Buildings and Grounds.

S. 2336. An act for the enlargement of the Capitol grounds—to the Committee on Public Buildings and Grounds.

S. J. Res. 88. Joint resolution to enable the States of Oregon and Washington to agree upon a boundary line between said States where the Columbia River forms said boundary—to the Committee on the Judiciary.

ADJOURNMENT.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 7 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Huntington Harbor, New York (H. Doc. No. 827)—to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

2. A letter from the Acting Secretary of the Treasury, transmitting a schedule of papers not needed in the transaction of the business of the department (H. Doc. No. 826)—to the Joint Select Committee on Disposition of Useless Executive Papers and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. MANN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 6793) authorizing the construction of a bridge across the Columbia River in the counties of Okanogan and Douglas, Wash., reported the same without amendment, accompanied by a report (No. 901), which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6794) authorizing the construction of a bridge across the Okanogan River in the county of Okanogan, Wash., reported the same without amendment, accompanied by a report (No. 902), which said bill and report were referred to the House Calendar.

Mr. WASHBURN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 21755) to authorize the towns of Warren and Barrington, R. I., or either of them, to construct a bridge across Palmers or Warren River, in the State of Rhode Island, reported the same with amendment, accompanied by a report (No. 903), which said bill and report were referred to the House Calendar.

Mr. MANN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 23186) to authorize Leonard J. Hackney, of Cincinnati, Ohio, and Frank J. Littleton, of Indianapolis, Ind., to construct a bridge across the Wabash River near the city of Mount Carmel, Ill., reported the same with amendment, accompanied by a report (No. 904), which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 23255) to authorize Butler and Stoddard counties of Missouri to construct a bridge across the St. Francis River at Fisk, Mo., reported the same without amendment, accompanied by a report (No. 905), which said bill and report were referred to the House Calendar.

Mr. LATTI, from the Committee on Indian Affairs, to which was referred the joint resolution of the Senate (S. J. Res. 91) amending a joint resolution authorizing the Secretary of the Interior to pay to the Winnebago tribe of Indians interest accrued since June 30, 1909, approved January 10, 1910 (S. J. Res. 58), reported the same without amendment, accompanied by a report (No. 908), which said joint resolution and report were

referred to the Committee of the Whole House on the state of the Union.

Mr. HAMILTON, from the Committee on the Territories, to which was referred the bill of the Senate (S. 3360) to amend an act entitled "An act to provide a government for the Territory of Hawaii," approved April 30, 1900, reported the same with amendment, accompanied by a report (No. 910), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred sundry bills of the House, reported in lieu thereof a bill (H. R. 23764) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors, accompanied by a report (No. 900), which said bill and report were referred to the Private Calendar.

Mr. PRINCE, from the Committee on Claims, to which was referred House bill 12727, reported in lieu thereof a resolution (H. Res. 545) referring to the Court of Claims the papers in the case of the steamboat *Henry M. Stanley*, accompanied by a report (No. 906), which said resolution and report were referred to the Private Calendar.

Mr. LINDBERGH, from the Committee on Claims, to which was referred the House bill 14951, reported in lieu thereof a resolution (H. Res. 546) referring to the Court of Claims the papers in the case of the steamer *Emerson*, accompanied by a report (No. 907), which said resolution and report were referred to the Private Calendar.

Mr. MILLER of Minnesota, from the Committee on Indian Affairs, to which was referred the bill of the Senate (S. 4769) authorizing the Secretary of the Interior to ascertain the amount due William Johnson, and pay the same out of the fund known as "For the relief and civilization of the Chippewa Indians," reported the same with amendment, accompanied by a report (No. 909), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 23716) granting an honorable discharge to Charles M. Lewallen—Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

A bill (H. R. 23749) granting a pension to Robert P. Frazier—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 11299) granting the Court of Claims jurisdiction to hear and determine the claim of the widow, heirs, and personal representatives of Thomas Page, for Indian deprecation—Committee on Claims discharged, and referred to the Committee on Indian Affairs.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. CAMERON: A bill (H. R. 23765) to enable the city of Phoenix, in Maricopa County, Ariz. T., to issue the bonds of said municipality to an amount not exceeding \$300,000, for the purpose of constructing, or acquiring by purchase, or otherwise, an electric-light, gas, and power plant—to the Committee on the Territories.

By Mr. GRIEST: A bill (H. R. 23766) to provide for the enlargement and improvement of the public building at Lancaster, Pa.—to the Committee on Public Buildings and Grounds.

By Mr. POINDESTER: A bill (H. R. 23767) to provide a site and erect a public building at Ellensburg, Wash.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 23768) to provide a site and erect a public building at Waterville, Wash.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 23769) to provide a site and erect a public building at Wenatchee, Wash.—to the Committee on Public Buildings and Grounds.

By Mr. CARY: A bill (H. R. 23770) providing for the appointment of inspectors to take the state of the meters for the

gas consumers of the District of Columbia—to the Committee on the District of Columbia.

By Mr. HAYES: A bill (H. R. 23771) to amend the naturalization laws—to the Committee on Immigration and Naturalization.

By Mr. KINKEAD of New Jersey: A bill (H. R. 23772) to waive the age limit for addition to the Pay Corps of the United States Navy in the case of Pay Clerk Arthur Henry Mayo—to the Committee on Naval Affairs.

By Mr. BYRD: A bill (H. R. 23773) to grant to the several States all the public lands therein for common-school purposes when the same shall become less than 50,000 acres in such State—to the Committee on the Public Lands.

Also, a bill (H. R. 23774) to subject to the laws of any State or Territory all intoxicating liquors shipped therein by railroads, express companies, and steamship lines—to the Committee on the Judiciary.

Also, a bill (H. R. 23775) to grant all public lands in the State of Mississippi to that State for the support of the common schools—to the Committee on the Public Lands.

By Mr. MCKINNEY: A bill (H. R. 23776) for the purchase of a site and the erection of a public building thereon at Macomb, Ill.—to the Committee on Public Buildings and Grounds.

By Mr. TIRRELL: A bill (H. R. 23777) for the acquisition of a site and the erection of a public building thereon at Leominster, Mass.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 23778) for the acquisition of a site and the erection of a public building thereon at Waltham, Mass.—to the Committee on Public Buildings and Grounds.

By Mr. PRAY: A bill (H. R. 23779) to provide for the purchase of a site and the erection of a public building thereon at Miles City, in the State of Montana—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 23780) to provide for the purchase of a site and the erection of a public building thereon at Kalispell, in the State of Montana—to the Committee on Public Buildings and Grounds.

By Mr. HAY: Resolution (H. Res. 547) providing for the appointment of the committees of the House—to the Committee on Rules.

By Mr. BENNET of New York: Resolution (H. Res. 548) to strike House resolution 478 from the Journal of the second session of the Sixtieth Congress—to the Committee on Rules.

Also, resolution (H. Res. 549) amending rules of the House Nos. XXIV and XXVI—to the Committee on Rules.

By Mr. SIMS: Resolution (H. Res. 550) amending the rules of the House of Representatives—to the Committee on Rules.

By Mr. PARSONS: Resolution (H. Res. 551) amending paragraph 4 of Rule XXVI—to the Committee on Rules.

Also, resolution (H. Res. 552) amending paragraph 1, Rule XIII—to the Committee on Rules.

By Mr. BENNET of New York: Resolution (H. Res. 553) requesting the President to consider calling an international conference in reference to limiting the armament of nations—to the Committee on Foreign Affairs.

By Mr. JAMES: Joint resolution (H. J. Res. 183) proposing an amendment to the Constitution of the United States—to the Committee on Election of President, Vice-President, and Representatives in Congress.

By Mr. LATTA: Joint resolution (H. J. Res. 184) to enable the States of Missouri and Nebraska to agree upon a boundary line and to determine the jurisdiction of crimes committed upon the Missouri River and adjacent territory—to the Committee on the Judiciary.

By Mr. GRIEST: Joint resolution (H. J. Res. 185) to create a commission to consider and report a plan for the establishment of a national memorial to Abraham Lincoln—to the Committee on the Library.

By the SPEAKER: Memorial of the legislature of New York, praying for appropriations for the improvement of the Hudson River—to the Committee on Rivers and Harbors.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ADAIR: A bill (H. R. 23781) granting an increase of pension to James M. Thomas—to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 23782) granting a pension to Andrew J. Orr—to the Committee on Invalid Pensions.

By Mr. BARCHFELD: A bill (H. R. 23783) granting an increase of pension to Junius A. McCormick—to the Committee on Pensions.

By Mr. BELL of Georgia: A bill (H. R. 23784) granting a pension to John L. Holt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23785) granting a pension to William S. Kemp—to the Committee on Pensions.

By Mr. BOUTELL: A bill (H. R. 23786) granting an increase of pension to Byron F. Davis—to the Committee on Invalid Pensions.

By Mr. BROWNLOW: A bill (H. R. 23787) for the relief of George Webster—to the Committee on War Claims.

By Mr. CHAPMAN: A bill (H. R. 23788) granting an increase of pension to Abel Longworth—to the Committee on Invalid Pensions.

By Mr. CRUMPACKER: A bill (H. R. 23789) granting an increase of pension to Daniel Condo—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23790) granting an increase of pension to John Fisher—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23791) granting an increase of pension to James Reed—to the Committee on Invalid Pensions.

By Mr. CULLOP: A bill (H. R. 23792) granting a pension to Elvira Smith—to the Committee on Invalid Pensions.

By Mr. DAVIDSON: A bill (H. R. 23793) granting a pension to Andrew J. Anderson—to the Committee on Invalid Pensions.

By Mr. DAVIS: A bill (H. R. 23794) granting an increase of pension to Johnson Hayden—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23795) granting an increase of pension to Wallace Van Gulder—to the Committee on Invalid Pensions.

By Mr. FERRIS: A bill (H. R. 23796) for the relief of Joe T. White—to the Committee on Claims.

By Mr. FORDNEY: A bill (H. R. 23797) granting a pension to Dell J. Harrington—to the Committee on Pensions.

Also, a bill (H. R. 23798) granting an increase of pension to Delos Coburn—to the Committee on Invalid Pensions.

By Mr. GORDON: A bill (H. R. 23799) granting an increase of pension to Henry Stevens—to the Committee on Invalid Pensions.

By Mr. GRAFF: A bill (H. R. 23800) granting an increase of pension to John H. Stillwell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23801) granting an increase of pension to Alexander Daniels—to the Committee on Invalid Pensions.

By Mr. GUERNSEY: A bill (H. R. 23802) granting an increase of pension to Theodore B. Taylor—to the Committee on Invalid Pensions.

By Mr. HANNA: A bill (H. R. 23803) granting an increase of pension to Andrew Anderson—to the Committee on Invalid Pensions.

By Mr. HUGHES of New Jersey: A bill (H. R. 23804) for the relief of Anthony Anderson and others—to the Committee on War Claims.

By Mr. KINKAID of Nebraska: A bill (H. R. 23805) granting an increase of pension to Oscar J. Cox—to the Committee on Invalid Pensions.

By Mr. MORGAN of Oklahoma: A bill (H. R. 23806) authorizing the Secretary of the Interior to convey a certain tract of land to the city of Alva, State of Oklahoma—to the Committee on the Public Lands.

By Mr. SHERLEY: A bill (H. R. 23807) granting an increase of pension to Thomas C. Wiley—to the Committee on Invalid Pensions.

By Mr. SNAPP: A bill (H. R. 23808) granting an increase of pension to Andrew Kirkpatrick—to the Committee on Invalid Pensions.

By Mr. SPARKMAN: A bill (H. R. 23809) granting an increase of pension to Edward E. Stebbins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23810) for the relief of E. W. Morrill—to the Committee on Claims.

Also, a bill (H. R. 23811) to fix the military status of the officers and men of the Key West Fort Taylor Home Guards—to the Committee on Military Affairs.

By Mr. SULLOWAY: A bill (H. R. 23812) granting a pension to Annie E. Harris—to the Committee on Invalid Pensions.

By Mr. TAYLOR of Ohio: A bill (H. R. 23813) granting an increase of pension to Julia A. Suver—to the Committee on Invalid Pensions.

By Mr. THOMAS of Kentucky: A bill (H. R. 23814) for the relief of Green B. Stewart, of Kentucky—to the Committee on Military Affairs.

Also (by request), a bill (H. R. 23815) for the relief of the estate of W. R. Decker, deceased—to the Committee on War Claims.

By Mr. WANGER: A bill (H. R. 23816) granting a pension to William L. Cresson—to the Committee on Pensions.

Also, a bill (H. R. 23817) granting an increase of pension to Isaac Houseworth—to the Committee on Invalid Pensions.

By Mr. ANDREWS: A bill (H. R. 23818) granting an increase of pension to Benjamin F. Adams—to the Committee on Invalid Pensions.

By Mr. FOSTER of Illinois: A bill (H. R. 23819) granting an increase of pension to Daniel McHenry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23820) granting an increase of pension to Uriah McCoy—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of San Francisco Advertising Men's Association, protesting against legislation to increase the postage rate applying to magazines and general periodicals—to the Committee on the Post-Office and Post-Roads.

Also, petition of committee on special organization of the Republican League of Clubs of the State of New York; Polish Literary Association, of Buffalo, N. Y.; and Rossiter (Pa.) Branch of the Polish National Alliance, protesting against legislation restricting immigration—to the Committee on Immigration and Naturalization.

Also, petition of Farmers' Literary and Protective Association, of Rebecca, Ga., praying for legislation to prevent speculation in farm products—to the Committee on Agriculture.

Also, petition of Farmers' Educational and Cooperative Union, of Tanglewood, Tex., praying for legislation to prevent speculation in farm products—to the Committee on Agriculture.

Also, petition of Lake Seamen's Union, of Ogdensburg, N. Y., praying for the enactment of the legislation embodied in House bill 11193—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Young People's Society of Missionary Volunteers, of Lorena, Tex., protesting against the passage of legislation relating to Sunday observance in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of D. R. Thomas, of Washington, D. C., praying for an appropriation to prepare a home in Africa for certain colored people—to the Committee on Appropriations.

Also, petition of Polish National Alliance, protesting against an increase of the head tax on immigrants—to the Committee on Immigration and Naturalization.

Also, petition of Associated Fraternities of America, praying for legislation for enlarging the facilities of fraternal publications in the United States mails—to the Committee on the Post-Office and Post-Roads.

Also, petition of city government of Atlanta, Ga., praying for an appropriation for a national highway from the federal prison at Atlanta to the entrance of Fort McPherson—to the Committee on Military Affairs.

Also, petition of U. S. Grant Post, of Brooklyn, N. Y., praying for legislation to enable Frederick Dent Grant to be mustered as a soldier of the civil war—to the Committee on Military Affairs.

Also, petition of trustees of the State School of Agriculture of Morrisville, N. Y., praying for legislation to provide for an increase of farm laborers—to the Committee on Appropriations.

Also, petition of committee on legislation of the National Association of Railway Commissioners, relating to the legislation regulating railroad management—to the Committee on Interstate and Foreign Commerce.

Also, petition of Maple Valley Grange, of South Wallingford, Vt., praying for the establishment of a national health bureau—to the Committee on Expenditures in the Interior Department.

Also, petition of Polish National Alliance, of St. Louis, Mo., protesting against the increase of the head tax of immigrants—to the Committee on Immigration and Naturalization.

Also, petition of Letitia Green Stevenson Chapter of the National Society of the Daughters of the American Revolution, of Bloomington, Ill., protesting against legislation having for its purpose of abolition of the Division of Information of the Bureau of Immigration and Naturalization in the Department of Commerce and Labor—to the Committee on Immigration and Naturalization.

Also, petition of Louisiana Citizens' Association, praying for legislation to encourage an exposition to commemorate the success of the opening of the Panama Canal—to the Committee on Industrial Arts and Expositions.

Also, petition of Polish National Alliance, of St. Louis, Mo., protesting against the increase of the head tax on immigrants—to the Committee on Immigration and Naturalization.

Also, petition of citizens of Brookland and Catholic institutions, for legislation to enable the extension of a street railway across the Monroe Street Bridge—to the Committee on the District of Columbia.

By Mr. ALLEN: Petition of Portland and Bath (Me.) boards of trade, against Senate bill 5106 and House bill 17536—to the Committee on the Merchant Marine and Fisheries.

By Mr. ANDREWS: Petition of Albuquerque Retail Merchants' Association and the Commercial Club of Albuquerque, against reservation of all the water of the Rio Grande by the Government for the Elephant Butte project—to the Committee on Irrigation of Arid Lands.

By Mr. ANSBERRY: Petition of striking employees of the Bethlehem Steel Company, of South Bethlehem, Pa., in favor of Senate bill 5578 and House bill 15441, known as the eight-hour law—to the Committee on Labor.

By Mr. ASHBROOK: Petition of United Spanish War Veterans of Ohio, indorsing House bill 18169 and Senate bill 4033, for raising the *Maine*, and the Keifer bill for the removal of the mast of the *Maine* from Habana Harbor and its erection as a monument in Arlington Cemetery—to the Committee on Naval Affairs.

Also, petition of Mrs. James R. Hopley, chairman of the Ohio Federation of Women's Clubs, asking for the establishment of forest reserves in the White Mountains—to the Committee on Agriculture.

Also, paper to accompany bill for relief of Andrew J. Orr—to the Committee on Invalid Pensions.

By Mr. BARCHFELD: Paper to accompany bill for relief of Junius A. McCormick—to the Committee on Invalid Pensions.

By Mr. BARTHOLDT: Paper to accompany bill for relief of Nicholas Lochboehler—to the Committee on Military Affairs.

By Mr. BELL of Georgia: Paper to accompany bill for relief of Herbert D. Ingersoll—to the Committee on Invalid Pensions.

By Mr. CASSIDY: Petition of Cleveland Council, No. 119, Royal Arcanum, for House bill 17543—to the Committee on the Post-Office and Post-Roads.

Also, petition of United Trade and Labor Council of Erie County, for House bill 11193 and Senate bill 6153, for improvement of conditions of American seamen—to the Committee on the Merchant Marine and Fisheries.

By Mr. CLARK of Florida: Petition of Jacksonville (Fla.) Chapter, Daughters of the American Revolution, against repeal of section 40 of immigration law as provided in the Hayes immigration bill—to the Committee on Immigration and Naturalization.

By Mr. DAWSON: Petition of members of the Tri-City Labor Congress, of Iowa, in support of the Gardner eight-hour bill—to the Committee on Labor.

By Mr. DANIEL A. DRISCOLL: Petition of United Trades and Labor Council of Erie County, Marine Firemen, Oilers, and Water Tenders' Benevolent Association of the Great Lakes, F. W. Slater, William F. Nagel, James Holland, John Trawley, Thomas R. Conway, Albin Horgren, B. J. Graners, Charles Sales, John Sullivan, James A. Cleary, John Croakley, Timothy Bahen, Gottfried W. Ellison, Ernest Acky, Morris Sheehan, Harry Millan, Bert Shaw, Thomas McArdle, Rich. Downey, Thomas Rogers, James Lee, Frank P. Burke, David Larson, John Morton, Raymond J. Nichols, Fred. Smith, Charles Tusletson, James J. Brinkworth, James J. Gibbons, Thomas Conway, James Sullivan, John Campbell, William Graeser, John Martin, Thomas Jamieson, John O'Hare, and Patrick J. McGowen, favoring House bill 11193 and Senate bill 6153, for improvement of American seamen—to the Committee on the Merchant Marine and Fisheries.

By Mr. FOCHT: Paper to accompany bill for relief of John W. Gillan—to the Committee on Invalid Pensions.

By Mr. FULLER: Petition of Joseph Woodruff Post, No. 281, Department of Illinois, Grand Army of the Republic, favoring the repeal of act of June 27, 1890, concerning widows' pensions, etc.—to the Committee on Invalid Pensions.

Also, petition of E. T. Bent, of Oglesby, Ill., in favor of Senate bill 6049, to create the establishment of a federal bureau of health—to the Committee on Agriculture.

Also, petition of John H. McCreary, of Philadelphia, Pa., favoring the passage of House bill 15609, for the relief of petitioner—to the Committee on Invalid Pensions.

By Mr. GRIEST: Petition of Philadelphia Chamber of Commerce, against Senate bill 5106, for control by Interstate Commerce Commission of water traffic—to the Committee on Interstate and Foreign Commerce.

Also, petition of Philadelphia Chamber of Commerce, favoring the holding of preparation of Pilot Charts in the Navy Department—to the Committee on Appropriations.

By Mr. HENRY of Connecticut: Petition of East Hartford (Conn.) Council, No. 1227, Royal Arcanum, for House bill 17543—to the Committee on the Post-Office and Post-Roads.

By Mr. HIGGINS: Petition of Norwich (Conn.) Council, No. 720, Royal Arcanum, for House bill 17543—to the Committee on the Post-Office and Post-Roads.

Also, petition of Association of Canado-Americaine, favoring support of House bill 17509—to the Committee on the Post-Office and Post-Roads.

By Mr. KENDALL: Petition of Group 10 of the Iowa Bankers' Association, opposing the postal savings-bank system—to the Committee on the Post-Office and Post-Roads.

By Mr. KINKEAD of New Jersey: Petition of Pioneer Council, No. 22, and Jersey City Council, No. 53, Royal Arcanum, favoring House bill 17543—to the Committee on the Post-Office and Post-Roads.

By Mr. MCCALL: Petition of Agassiz Council, No. 45, Royal Arcanum, for House bill 17543—to the Committee on the Post-Office and Post-Roads.

By Mr. MAGUIRE of Nebraska: Petition of citizens of Lancaster County, Nebr., against Senate bill 404, Sunday-rest bill—to the Committee on the District of Columbia.

By Mr. MOORE of Pennsylvania: Petition of State Humane Society of California, against House bills 22321 and 2799, relative to jurisdiction over animals in District of Columbia—to the Committee on the District of Columbia.

Also, petition of California Women's Heney Club, against use of Hetch Hetchy Valley as a water supply for San Francisco—to the Committee on the Public Lands.

Also, petition of Northwest Pennsylvania Humane Society, against section 5 of House bill 22321, vesting jurisdiction over animals of the District of Columbia in the police department—to the Committee on the District of Columbia.

Also, petition of Charles Hall Davis, favoring postal savings certificates—to the Committee on the Post-Office and Post-Roads.

Also, petition of striking employees of the Bethlehem Steel Company, of South Bethlehem, Pa., favoring the passage of House bill 15441, for an eight-hour law, etc.—to the Committee on Labor.

Also, petition of L. S. Rowe, for Senate bills 423 and 6049, federal bureau of health—to the Committee on Expenditures in the Interior Department.

Also, petition of Integrity Council, No. 586, Royal Arcanum, for House bill 17543—to the Committee on the Post-Office and Post-Roads.

Also, petition of John Foster Carr, relative to naturalization papers, against restriction of immigration, etc.—to the Committee on Immigration and Naturalization.

Also, petitions of Mrs. A. I. Clymer, Van Wert County Humane Society, and Los Angeles Society for Prevention of Cruelty to Animals, against House bill 22321, placing District of Columbia animals under jurisdiction of the police—to the Committee on the District of Columbia.

Also, petition of W. T. Foster, relative to Foster's long-range weather-forecasts system, for appropriation to establish same—to the Committee on Appropriations.

By Mr. MOORE of Texas: Petition of Cattle Raisers' Association of Texas, favoring retention of present import duty on cattle—to the Committee on Ways and Means.

By Mr. OLCOTT: Petition of Colfax Council, No. 1220, Royal Arcanum, for House bill 17543—to the Committee on the Post-Office and Post-Roads.

By Mr. OLDFIELD: Paper to accompany bill for relief of Ephraim Ramie—to the Committee on Pensions.

By Mr. PATTERSON: Paper to accompany bill for relief of George W. Muse—to the Committee on War Claims.

By Mr. POINDEXTER: Petition of Independent Workers of the World, of Portland, Oreg., condemnatory of the mayor and chief of police of Spokane, Wash.—to the Committee on the Judiciary.

Also, petition of Charleston Camp, No. 3, United Spanish War Veterans, of Bremerton, Wash., urging the removal of the wreck of the *Maine* to the United States and the burial of its victims at Arlington—to the Committee on Naval Affairs.

By Mr. PRAY: Petition of Wadsworth Post, No. 3, Grand Army of the Republic, of Helena, Mont., for the National Tribune pension bill—to the Committee on Invalid Pensions.

Also, petition of G. F. Graham and O. M. Halter Hardware Company, favoring Senate bill 5106—to the Committee on Interstate and Foreign Commerce.

Also, petitions of Helena Typographical Union, No. 95; American Brotherhood of Cement Workers, No. 72; 66 residents of Sandusky and Zartman; and National Park Lodge, No. 168, International Association of Mechanics, all of the State of Mon-

tana, favoring House bill 15441, for an eight-hour day on all government contract or subcontract work—to the Committee on Labor.

By Mr. SABATH: Petition of Cook County Council, United Spanish War Veterans, favoring a pension for John R. Kissinger—to the Committee on Pensions.

Also, petition of Garden City Council, No. 202, Royal Arcanum, favoring House bill 17543—to the Committee on the Post-Office and Post-Roads.

Also, petition of striking employees of Bethlehem Steel Works, favoring the passage of bill for eight-hour day on government work (H. R. 15441) and asking that no government contracts be given to said company until the present difficulties are settled—to the Committee on Labor.

By Mr. SHEFFIELD: Petition of Rhode Island Council, No. 1255, Royal Arcanum, of Providence, R. I., for House bill 17543—to the Committee on the Post-Office and Post-Roads.

Also, paper to accompany bill for relief of William H. Case—to the Committee on Invalid Pensions.

By Mr. SPERRY: Resolutions of Mattatuck Council, No. 713, Royal Arcanum, of Waterbury, Conn., in relation to fraternal publications—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of Mattabesett Council, No. 704, Royal Arcanum, of Middletown, Conn., in relation to fraternal publications—to the Committee on the Post-Office and Post-Roads.

By Mr. STEPHENS of Texas: Petition of Cattle Raisers' Association of Texas, for retention of present duty on cattle and requiring railways to furnish cars promptly for shipment—to the Committee on Ways and Means.

By Mr. SWASEY: Petition of Maple Grange, No. 187, of Waldoboro, Me., for a national health bureau—to the Committee on Expenditures in the Interior Department.

Also, paper to accompany bill for relief of Frank Cooper—to the Committee on Military Affairs.

By Mr. THOMAS of Kentucky: Paper to accompany bill for relief of estate of William R. Decker—to the Committee on War Claims.

By Mr. WANGER: Petition of Charles H. Smith, master, and Emma F. Smith, secretary, on behalf of Pineville Grange, No. 507, Patrons of Husbandry, of Bucks County, Pa., for Senate bill 5842, oleomargarine bill—to the Committee on Interstate and Foreign Commerce.

By Mr. WATKINS: Petition of Young People's Missionary Volunteer Society of Shreveport, La., against Senate bill 404, relative to Sabbath observance in the District of Columbia—to the Committee on the District of Columbia.

By Mr. WILSON of Pennsylvania: Petitions of Loreto Grange, No. 1095; Aurora Grange, No. 874; Ulysses Grange, No. 1183; East Sullivan Grange, No. 871; Tamarack Grange, No. 1388; and Eulalia Grange, No. 1088, all of Pennsylvania, for Senate bill 5842, governing traffic in oleomargarine—to the Committee on Interstate and Foreign Commerce.

Also, petition of striking employees of the Bethlehem Steel Company, favoring enactment of House bill 15441, eight-hour law—to the Committee on Labor.

SENATE.

THURSDAY, *March 31, 1910.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.
The Journal of yesterday's proceedings was read and approved.
MEMORIAL ADDRESSES ON THE LATE REPRESENTATIVE DAVEY.

Mr. MCENERY. Mr. President, I give notice that on Monday, April 18, 1910, I shall ask the Senate to consider resolutions in commemoration of the life and public services of the Hon. ROBERT C. DAVEY, late a Representative from the State of Louisiana.

MAJ. FRANK DE L. CARRINGTON.

The Vice-President laid before the Senate the bill (S. 1119) to authorize the appointment of Frank de L. Carrington as major of infantry in the United States Army, returned from the House of Representatives in compliance with the request of the Senate.

Mr. DIXON. I move to reconsider the votes by which the bill was ordered to a third reading and passed.

Mr. BACON. I suppose the Senator has some reason for making the motion. I should like to know what it is.

Mr. DIXON. I will state it.

Mr. BACON. I am not asking the Senator, of course, to go into details.

Mr. DIXON. It is merely to correct an error in the bill.

Mr. BACON. Very well.

Mr. DIXON. The Senator from Tennessee [Mr. FRAZIER], the Senator from Louisiana [Mr. FOSTER], and myself were on the subcommittee. We agreed on a report to the full committee that he be put on the retired list of the army as a major. The report made by the Senator from Tennessee so sets forth the proposed amendment, but in the bill itself the stenographer overlooked inserting the proposed amendment, and it passed the Senate putting him back into the line of the army as major, which I think no one on the committee intended to do.

Mr. BACON. The purpose is to correct it so as to put him on the retired list.

Mr. DIXON. To put him on the retired list of the army.

Mr. BACON. That is right.

The motion to reconsider was agreed to.

Mr. DIXON. I move that the bill be recommitted to the Committee on Military Affairs.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by C. R. McKenney, its enrolling clerk, announced that the House had passed a bill (H. R. 22685) to establish a naval observatory, and define its duties, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 16920) authorizing the Secretary of the Interior to appraise certain lands in the State of Minnesota for the purpose of granting the same to the Minnesota and Manitoba Railroad Company for a ballast pit, and it was thereupon signed by the Vice-President.

PETITIONS AND MEMORIALS.

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

Mr. JONES presented petitions of sundry citizens of Bremer-ton, Aberdeen, Everett, and Lewis County, all in the State of Washington, praying for the passage of the so-called "eight-hour bill," which was referred to the Committee on Education and Labor.

Mr. CULLOM presented a petition of Forward Council, No. 2031, Royal Arcanum, of Chicago, Ill., praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mails as second-class matter, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Illinois Federation of Women's Clubs, of Highland Park, Ill., praying for the passage of the so-called "children's bureau bill," which was ordered to lie on the table.

He also presented petitions of sundry local unions, American Federation of Labor, of Blue Island and Chicago, in the State of Illinois, praying for the enactment of legislation to amend the laws relating to American seamen and to prevent undermanning and unskilled manning of American vessels, etc., which were referred to the Committee on Commerce.

Mr. DILLINGHAM presented a petition of the congregation of the Baptist Church of Groton, Vt., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in government buildings and ships, which was referred to the Committee on Education and Labor.

He also presented a petition of Green Mountain Council, No. 736, Royal Arcanum, of Barr, Vt., praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mails as second-class matter, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. KEAN presented a memorial of the Board of Trade of Newark, N. J., remonstrating against the passage of the so-called "Moon bill," to regulate the granting of restraining orders and injunctions, which was referred to the Committee on the Judiciary.

He also presented petitions of sundry local councils, Royal Arcanum, of Camden, Jersey City, Trenton, Summit, Little Falls, Weehawken, Princeton, Paterson, all in the State of New Jersey, praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mails as second-class matter, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Pascack Grange, No. 141, Patrons of Husbandry, of Woodcliff Lake, N. J., praying for the passage of the so-called "rural parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.