H. R. 18112—Granting an increase of pension to William Leonard.
Mr. Malby; Committee on Invalid Pensions 620.

H. R. 18113—Granting a pension to Harriet E. Dennison.
Mr. Mann; Committee on Invalid Pensions 620.

H. R. 18114—For the relief of Nathaniel R. and William C. Carson, of Bradley County, Tenn.
Mr. Moon of Tennessee; Committee on War Claims 620.—Reported back for reference to Court of Claims (H. R. Report 1535; see H. Res. 767) 8018.

H. R. 18115—To appropriate for and pay claim of T. F. Vann, administrator of Leroy P. Campbell, deceased.
Mr. Moon of Tennessee; Committee on War Claims 620.

H. R. 18116—Granting a pension to Frank B. Gray.
Mr. Morse; Committee on Pensions 620.—Reported back (H. R. Report 817) and H. R. 23376 substituted 3768.

H. R. 18117—Granting an increase of pension to William W. Sturch.
Mr. Oldfield; Committee on Invalid Pensions 620.—Reported back (H. R. Report 482) and H. R. 21108 substituted 2418.

H. R. 18118—Granting an increase of pension to Charles C. Warner.
Mr. A. Mitchell Palmer; Committee on Invalid Pensions 620.

H. R. 18119—Granting an increase of pension to William B. Schock.
Mr. A. Mitchell Palmer; Committee on Invalid Pensions 620.

H. R. 18120—Granting an increase of pension to Jacob Andrews.
Mr. A. Mitchell Palmer; Committee on Invalid Pensions 620.

H. R. 18121—For the relief of Daniel W. Dorris.
Mr. Randell; Committee on War Claims 620.

H. R. 18122—For the relief of Mrs. Nancy M. Cockerham, heir of Cirley Fairchilds, deceased.
Mr. Randell; Committee on War Claims 620.

H. R. 18123—For the relief of the estate of Elizabeth Riley, deceased.
Mr. Randell; Committee on War Claims 620.

H. R. 18124—For the relief of the estate of James B. Ogletree, deceased.
Mr. Randell; Committee on War Claims 620.

H. R. 18125—For the relief of Ed. D. Steger and J. E. Labatt.
Mr. Randell; Committee on War Claims 620.—Reported back for reference to Court of Claims (H. R. Report 866; see H. Res. 532) 3875.

H. R. 18126—Granting a pension to George L. Middleton.
Mr. Reynolds; Committee on Invalid Pensions 620.

H. R. 18127—Granting a pension to Eliza S. Blumer.
Mr. Reynolds; Committee on Invalid Pensions 620.

H. R. 18128—Granting an increase of pension to Albert Sanders.
Mr. Reynolds; Committee on Invalid Pensions 620.

H. R. 18129—Granting an increase of pension to John W. Hudson.
Mr. Reynolds; Committee on Invalid Pensions 620.

H. R. 18130—Granting an increase of pension to Blair H. Peck.
Mr. Reynolds; Committee on Invalid Pensions 620.

H. R. 18131—Granting an increase of pension to John Fleegle.
Mr. Reynolds; Committee on Invalid Pensions 620.

H. R. 18132—For the relief of the heirs of James M. Anderson.
Mr. Rhinock; Committee on War Claims 620.

H. R. 18133—For the relief of heirs of Benjamin Lawler.
Mr. Richardson; Committee on War Claims 620.

H. R. 18134—For the relief of heirs or estates of Elbert H. and Melinda Ellett, deceased.
Mr. Richardson; Committee on War Claims 620.

H. R. 18135—For the relief of James Williams.
Mr. Richardson; Committee on War Claims 620.

H. R. 18136—For the relief of Samuel H. Yarbrough and heirs of John Jones, deceased.
Mr. Richardson; Committee on War Claims 620.—Reported back for reference to Court of Claims (H. R. Report 1216; see H. Res. 661) 5693.

H. R. 18137—For the relief of the heirs of John Kirk.
Mr. Robinson; Committee on War Claims 620.

H. R. 18138—Granting an increase of pension to George E. Granniss.
Mr. Sperry; Committee on Invalid Pensions 620.—Reported back (H. R. Report 952) and H. R. 24137 substituted 4413.

H. R. 18139—For the relief of Lucius P. Ordway, trustee for the creditors of the Dwyer Plumbing and Heating Company.
Mr. Stevens; Committee on Claims 620.

H. R. 18140—Granting a pension to Anna Ogg Lindsay.
Mr. Talbott; Committee on Invalid Pensions 620.—Reported back (H. R. Report 768) and H. R. 23095 substituted 3764.

H. R. 18141—Granting an increase of pension to Mary McNally.
Mr. Tener; Committee on Invalid Pensions 620.—Reported back (H. R. Report 482) and H. R. 21108 substituted 2418.

H. R. 18142—Granting an increase of pension to Thomas J. Walker.
Mr. Tener; Committee on Invalid Pensions 620.

H. R. 18143—For the relief of heirs of William R. Tatum, deceased.
Mr. Thomas of North Carolina; Committee on War Claims 620.

H. R. 18144—For the relief of Salem Methodist Episcopal Church South, Wayne County, N. C.
Mr. Thomas of North Carolina; Committee on War Claims 620.

H. R. 18145—Granting an increase of pension to Eliza F. Greenwood.
Mr. Thomas of Kentucky; Committee on Invalid Pensions 620.—Reference changed to Committee on Pensions 653.

H. R. 18146—For the relief of the heirs of Elisha Lowry.
Mr. Underwood; Committee on Claims 620.—Reference changed to Committee on War Claims 653.—Reported back for reference to Court of Claims (H. R. Report 636; see H. Res. 474) 2533.

H. R. 18147—Granting a pension to Blanche Irene Buckwalter.
Mr. Wanger; Committee on Invalid Pensions 620.—Reported back (H. R. Report 768) and H. R. 23095 substituted 3764.

H. R. 18148—For the relief of George D. Root.
Mr. Alexander of New York; Committee on Claims 620.

H. R. 18149—Conferring jurisdiction on Court of Claims to adjudicate the claim of the estate of Montford T. Johnson.
Mr. Ferris; Committee on Indian Affairs 620.

H. R. 18150—For the relief of Anaise F. Zeringue and the estate of Mathilde Champagne Zeringue.
Mr. Gilmore; Committee on War Claims 620.—Reported back for reference to Court of Claims (H. R. Report 605; see H. Res. 443) 2532.

H. R. 18151—To amend river and harbor act of March 3, 1899, making appropriations for improvement of upper White River.
Mr. Oldfield; Committee on Rivers and Harbors 618.

H. R. 18152—To provide for the grading and improving of Pennsylvania avenue SE. from Bowen road to the District line.
Mr. Pearre; Committee on the District of Columbia 618.

H. R. 18153—Appropriating $81,000 for the maintenance of improvements of the Arkansas River.
Mr. Robinson; Committee on Rivers and Harbors 653.

H. R. 18154—Appropriating $100,000 for the construction of a permanent revetment plant at Pine Bluff, Ark.
Mr. Robinson; Committee on Rivers and Harbors 653.

H. R. 18155—To establish a system of ocean mail carriage to and from foreign countries and to promote the commerce of the United States.
Mr. Rucker of Colorado; Committee on the Post-Office and Post-Roads 653.

H. R. 18156—Directing the recorder of deeds of the District of Columbia to keep an index to recorded instruments by lots or tracts.
Mr. Smith of Michigan; Committee on the District of Columbia 653.—Reported back (H. R. Report 397) 1565.—Passed House 2025, 2026.—Referred to Senate Committee on District of Columbia 2076.

H. R. 18157—To license operators of cinematographs, moving-picture machines, and similar apparatus, and for other purposes.
Mr. Smith of Michigan; Committee on the District of Columbia 653.

H. R. 18158—To regulate foreign commerce, to equalize trade footing of foreign and American vessels, to make preference for the employment of American ships, to promote American independence in commerce and navigation, and to repeal the act of May 24, 1828.
Mr. Sulzer; Committee on the Merchant Marine and Fisheries 653.

H. R. 18159—To establish postal-savings depositories, for the proper investing of the funds, and for other purposes.
Mr. Sulzer; Committee on the Post-Office and Post-Roads 653.

H. R. 18160—To amend an act entitled "An act to establish a Code of Law for the District of Columbia."
Mr. Jones; Committee on the District of Columbia 653.

H. R. 18161—To provide for the further improvement of Green River, in the State of Kentucky.
Mr. Johnson of Kentucky; Committee on Rivers and Harbors 653.

H. R. 18162—Making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1911.
Mr. Scott, from Committee on Agriculture (H. R. Report 141) 648, 653.—Debated 942, 943, 1076–1135, 1195–1215, 1222–1243, 1296–1315, 1335–1361, 1443–1469.—Amended and passed House 1469.—Referred to Senate Committee on Agriculture and Forestry 1479.—Reported with amendments (S. Report 279) 2302.—Debated 2831–2846, 2879, 2884–2895.—Amended and passed Senate 2895.—House disagrees to Senate amendments 2985.—Senate insists on its amendments 2992.—Conference appointed 2985, 2992.—Conference report (H. R. Report 922) made in House 4126, 4127.—Conference report made and agreed to in Senate 4202, 4203.—Conference report debated and rejected in House 4371–4377.—House further insists on its disagreement to Senate amendments and asks for a further conference 4377.—Senate insists on its amendments and agrees to conference 4360.—Second conference appointed 4360, 4377.—Conference report made, disagreement to Senate amendments insisted upon 5322, 5369.—Third conference appointed 5322, 5369.—Conference report debated in Senate and withdrawn 6443.—Conference report made and agreed to in Senate 6505, 6506.—Conference report (H. R. Report 1370) made in House 6465–6467.—Conference report debated in House and rejected 6517–6533.—House further insists on its disagreement to Senate amendment No. 37 and asks for a further conference 6533.—Conference appointed in House 6533.—Senate recedes from its amendment No. 37 6506.—Examined and signed 6715, 6718.—Presented to the President 6766.—Approved [Public, No. 190] 7567.

H. R. 18163—To amend the postal laws relative to religious publications.
Mr. Bennet of New York; Committee on the Post-Office and Post-Roads 653.

H. R. 18164—To amend section 19 of the immigration law, relative to aliens brought into this country in violation of law.
Mr. Bennet of New York; Committee on Immigration and Naturalization 653.

H. R. 18165—To authorize the establishment of a life-saving station at the mouth of the Siuslaw River, Oreg.
Mr. Hawley; Committee on Interstate and Foreign Commerce 654.

H. R. 18166—To enable the people of New Mexico to form a constitution and state government and be admitted into the Union on an equal footing with the original States; and to enable the people of Arizona to form a constitution and state government and be admitted into the Union on an equal footing with the original States.
Mr. Hamilton; Committee on the Territories 654.—Reported back (H. R. Report 152) 657.—Debated [Appendix 108].—Passed House 702–714.—Referred to Senate Committee on Territories 736.—Reported with amendment 3129.—Debated 3456, 3532, 4257, 4258.—Reprint of bill with amendments ordered in Senate 3768.—Reported back (S. Report 454) 3840.—Debated 7375–7376, 7457–7459, 8177, 8225–8237.—Amended and passed Senate 8237.—House concurs in Senate amendment 8485–8487.—Examined and signed 8500, 8548.—Presented to the President 8549.—Approved [Public, No. 219] 8698.

not discussed.

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tion of law—to the Committee on Immigration and Naturalization.

By Mr. HAWLEY: A bill (H. R. 18165) to authorize the establishment of a life-saving station at the mouth of the Siuslaw River, Oregon—to the Committee on Interstate and Foreign Commerce.

By Mr. HAMILTON: A bill (H. R. 18166) to enable the people of New Mexico to form a constitution and state government and be admitted into the Union on an equal footing with the original States, and to enable the people of Arizona to form a constitution and state government and be admitted into the Union on an equal footing with the original States—to the Committee on the Territories.

By Mr. ANDREWS: A bill (H. R. 18167) for the purchase of a site and the erection of a federal building at Belen, N. Mex.—to the Committee on Public Buildings and Grounds.

By Mr. DENBY: A bill (H. R. 18168) to increase the compensation of the deputy collectors, deputy clerks, and deputy inspectors of customs at the port of Detroit—to the Committee on Ways and Means.

Also, a bill (H. R. 18169) to provide campaign badges for officers, enlisted men, sailors, or marines who served honorably in the Spanish, Philippine, or China campaigns, and who were not in the United States service on January 11, 1905—to the Committee on Military Affairs.

By Mr. CROW: A bill (H. R. 18170) to grant half pay to injured railway postal clerks, and for other purposes—to the Committee on the Post-Office and Post-Roads.

By Mr. BENNET of New York: A bill (H. R. 18171) to amend the immigration law relative to alien seamen—to the Committee on Immigration and Naturalization.

Also, a bill (H. R. 18172) to amend section 21 of the immigration law relative to aliens heretofore debarred or deported, and to evidence of alienage—to the Committee on Immigration and Naturalization.

By Mr. FERRIS: A bill (H. R. 18173) to prevent gambling in cotton and grain futures and providing penalties for the violation thereof—to the Committee on Agriculture.

Also, a bill (H. R. 18174) to provide for a permanent, lasting, and uniform system of improvement of public highways and post-roads, and providing how the State and Nation may act in conjunction and by mutual contribution bring about the desired end and distribute the surplus in the Treasury pro rata each year among the States for that purpose—to the Committee on Agriculture.

By Mr. MONDELL: A bill (H. R. 18175) providing for the survey of lands in the district of Alaska—to the Committee on the Public Lands.

Also, a bill (H. R. 18176) making an appropriation for the survey of public lands lying within the limits of land grants, to provide for the forfeiture to the United States of unsurveyed land grants to railroads, and for other purposes—to the Committee on the Public Lands.

By Mr. WANGER: A bill (H. R. 18177) to retrench expenditures in the Post-Office Department for railroad transportation of mails upon land-grant roads—to the Committee on the Post-Office and Post-Roads.

By Mr. MURDOCK: Resolution (H. Res. 230) requesting certain information from the Postmaster-General concerning express companies, etc.—to the Committee on the Post-Office and Post-Roads.

By Mr. BENNET of New York: Resolution (H. Res. 231) proposing amendments to Rules XXIV and XXVI—to the Committee on Rules.

By Mr. CARTER: Resolution (H. Res. 232) requesting information as to the number of acres allotted or to be allotted to Chickasaw freedmen—to the Committee on Indian Affairs.

By Mr. BARNHART: Resolution (H. Res. 233) directing the Postmaster-General to furnish certain report—to the Committee on the Post-Office and Post-Roads.

By Mr. BENNET of New York: Resolution (H. Res. 234) relative to section 39 of the immigration law—to the Committee on Immigration and Naturalization.

By Mr. EDWARDS of Georgia: Concurrent resolution (H. C. Res. 32) directing a survey to be made of the Cow Head River in Georgia—to the Committee on Rivers and Harbors.

By Mr. CHAPMAN: Memorial of the legislature of Illinois, concerning the Oldroyd collection of Lincoln relics—to the Committee on Public Buildings and Grounds.

By Mr. FOSTER of Illinois: Memorial of the legislature of Illinois, favoring the purchase of the Oldroyd collection of Lincoln relics—to the Committee on the Library.

By Mr. McKINNEY: Memorial of the legislature of Illinois, favoring an appropriation of $150,000 for the purchase of the Oldroyd collection of Lincoln relics and the acquiring of the ground adjacent to the present Lincoln Museum—to the Committee on the Library.

By Mr. MADDEN: Memorial of the legislature of Illinois, favoring the purchase of the Oldroyd collection of Lincoln relics, etc.—to the Committee on the Library.

By Mr. FOSS: Memorial of the legislature of Illinois, concerning the Oldroyd collection of Lincoln relics—to the Committee on the Library.

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. 18178) granting an increase of pension to Francis H. Rodman—to the Committee on Invalid Pensions.

By Mr. ANDERSON: A bill (H. R. 18179) granting a pension to Pauline Krauss—to the Committee on Invalid Pensions.

By Mr. ANDREWS: A bill (H. R. 18180) to correct the military record of A. W. Sudduth—to the Committee on Military Affairs.

By Mr. ASHBROOK: A bill (H. R. 18181) granting a pension to Henry C. Minnich—to the Committee on Invalid Pensions.

By Mr. BARNHART: A bill (H. R. 18182) granting an increase of pension to Daniel Glose—to the Committee on Invalid Pensions.

By Mr. BINGHAM: A bill (H. R. 18183) granting an increase of pension to Rebecca McGown—to the Committee on Invalid Pensions.

By Mr. BORLAND: A bill (H. R. 18184) granting an increase of pension to David H. Ebberts—to the Committee on Invalid Pensions.

By Mr. BURKE of South Dakota: A bill (H. R. 18185) granting an increase of pension to Newton H. Kingman—to the Committee on Invalid Pensions.

By Mr. BURNETT: A bill (H. R. 18186) granting an increase of pension to Eliza C. Kennamer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18187) granting an increase of pension to Mary Walls—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18188) granting an increase of pension to G. T. Kennamer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18189) for the relief of Thomas Seymour—to the Committee on War Claims.

Also, a bill (H. R. 18190) for the relief of heirs or estate of C. C. Blancit, deceased—to the Committee on War Claims.

By Mr. CAMPBELL: A bill (H. R. 18191) granting an increase of pension to Samuel Vernum—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18192) granting an increase of pension to Isaac H. Seward—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18193) granting an increase of pension to James H. Trenary—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18194) granting a pension to William Lawler—to the Committee on Invalid Pensions.

By Mr. CARTER: A bill (H. R. 18195) for the relief of Joseph B. Tucker—to the Committee on War Claims.

Also, a bill (H. R. 18196) for the relief of Sarah Jane Pirtle, widow and heir of John W. Pirtle, deceased—to the Committee on War Claims.

By Mr. CLARK of Missouri: A bill (H. R. 18197) to reimburse Marion Williams—to the Committee on Claims.

By Mr. COLE: A bill (H. R. 18198) granting an increase of pension to Alden U. Bryant—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18199) granting an increase of pension to Welcome Ashbrook—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18200) granting an increase of pension to Mildred S. Bosler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18201) granting a pension to Hannah M. Hawker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18202) to correct the military record of Joseph H. Fisher—to the Committee on Military Affairs.

Also, a bill (H. R. 18203) to carry into effect the findings of the Court of Claims in the matter of the claim of Jeremiah Cain—to the Committee on War Claims.

By Mr. CROW: A bill (H. R. 18204) granting an increase of pension to John Overbey—to the Committee on Invalid Pensions.

By Mr. CULLOP: A bill (H. R. 18205) granting an increase of pension to Elijah McGinnis—to the Committee on Invalid Pensions.

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JAN. 15

HOUSE OF REPRESENTATIVES.

SATURDAY, *January 15, 1910.*

The House met at 12 o'clock noon.

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

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

URGENT DEFICIENCY APPROPRIATION BILL.

Mr. TAWNEY, from the Committee on Appropriations, reported a bill (H. R. 18282) making appropriations to supply urgent deficiencies in appropriations for the fiscal year 1910, and for other purposes, which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. FITZGERALD. I reserve all points of order on the bill.

Mr. TAWNEY. I wish to give notice, Mr. Speaker, that I will call up that bill for consideration on Monday.

Mr. FITZGERALD. Mr. Speaker, I wish to suggest to the gentleman that Monday, under the rule, is set aside for business that he can not displace. Monday is unanimous-consent day.

Mr. LIVINGSTON. Mr. Speaker, I suggest that there is no quorum present. I further suggest that as we have not a quorum we take a recess for twenty minutes, when perhaps a quorum will have appeared.

The SPEAKER. The House can not take a recess in the absence of a quorum.

Mr. FITZGERALD. Mr. Speaker, I move a call of the House.

The question was taken; and on a division (demanded by Mr. LIVINGSTON) there were—ayes 42, noes 85.

Mr. LIVINGSTON. No quorum, Mr. Speaker.

The SPEAKER. A quorum is not required on ordering a call of the House. [After counting.] One hundred and ninety-eight Members are present; a quorum.

ENROLLED JOINT RESOLUTION SIGNED.

The SPEAKER announced his signature to enrolled joint resolution of the following title:

S. J. Res. 58. Joint resolution authorizing the Secretary of the Interior to pay to the Winnebago tribe of Indians interest accrued since June 30, 1909.

STATEHOOD.

Mr. HAMILTON, from the Committee on the Territories, reported a bill (H. R. 18166) to enable the people of New Mexico to form a constitution and state government and be admitted into the Union on an equal footing with the original States; and to enable the people of Arizona to form a constitution and state government and be admitted into the Union on an equal footing with the original States; which was read the first and second times, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

DATE OF PRESIDENTIAL AND CONGRESSIONAL TERM.

Mr. PARKER. Regular order, Mr. Speaker.

The SPEAKER. The gentleman from New Jersey demands the regular order, which is the call of committees. Under the call of committees the unfinished business is the following joint resolution, of which the Clerk will read the title.

The Clerk read the title of House joint resolution 115, proposing an amendment to the Constitution of the United States.

The SPEAKER. When the House adjourned yesterday the House was dividing upon the motion of the gentleman from West Virginia [Mr. GAINES] for the previous question upon the joint resolution.

Mr. PARKER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PARKER. Will that motion cut off all the amendments which were read for information, and of which I believe none have been proposed, including the amendment of the gentleman from Pennsylvania [Mr. OLMSTED]? If that is pending, I am ready to have the motion carried; if not, I would rather it would not be.

The SPEAKER. The Journal does not show that any amendments were offered.

Mr. PARKER. Then it would cut off those amendments?

The SPEAKER. There are no amendments.

Mr. PARKER. I ask unanimous consent that amendments may be offered. I do not object to the previous question, but I should like to have amendments offered.

Mr. GAINES. So far as I am concerned, I am perfectly willing that the amendment called "the Olmsted amendment" should be deemed pending.

Mr. PARKER. I have another amendment, by way of a substitute, that I would like to offer to the House, which I think resolves all difficulties and which I would like to submit to the gentleman. As chairman of the committee, I would like to have the right to offer an amendment.

Mr. GAINES. Regular order!

The SPEAKER. The regular order is demanded, which is upon the demand for the previous question.

Mr. GAINES. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. GAINES. Would it be in order to move to recommit, pending the motion for the previous question?

The SPEAKER. If the gentleman will withdraw his motion for the previous question, then, under the rule, a motion to recommit would be in order.

Mr. PERKINS. Regular order!

The SPEAKER. The Chair will cause the precedents to be examined. There has been no action by the House upon that motion.

Mr. SHERLEY. I suggest, Mr. Speaker, that last night the House was dividing and there was no quorum, and it seems to me too late to withdraw the motion for the previous question.

The SPEAKER. The Chair will read from the precedents, page 680, volume 8:

> A motion which has been stated by the Speaker or read by the Clerk is in the possession of the House, but may be withdrawn before a decision or amendment.

The gentleman can withdraw his motion if he deems proper.

Mr. HENRY of Texas. Mr. Speaker, I desire to submit a request for unanimous consent.

The SPEAKER. By unanimous consent, the gentleman can submit a request for unanimous consent. Otherwise it would not be in order.

Mr. HENRY of Texas. I ask unanimous consent that I be allowed to submit a request for unanimous consent.

Mr. MICHAEL E. DRISCOLL. I object.

The SPEAKER. The gentleman from New York objects. The question is on the motion of the gentleman from West Virginia. Does the gentleman from West Virginia withdraw his motion?

Mr. GAINES. In view of the fact that a motion to recommit is in order after the previous question, I shall let the motion stand.

The SPEAKER. The House is dividing on a motion to order the previous question.

The question was taken; and the Chair having stated that he was in doubt, the House divided, and there were—ayes 120, noes 102.

Mr. HENRY of Texas. I demand tellers, Mr. Speaker.

Tellers were ordered, and the Chair appointed as tellers Mr. GAINES and Mr. HENRY of Texas.

The House again divided, and the tellers reported that there were 91 ayes and 128 noes.

So the House declined to order the previous question.

Mr. HENRY of Texas. Mr. Speaker, I desire to be recognized on the bill.

Mr. GAINES and Mr. BUTLER rose.

The SPEAKER. For what purpose does the gentleman from Pennsylvania rise?

Mr. GAINES. I rise for the purpose of moving to recommit.

Mr. BUTLER. I rose for the same purpose.

The SPEAKER. The gentleman from Pennsylvania notified the Chair that he desired to be recognized to move to recommit this bill to the committee.

Mr. HENRY of Texas. Undoubtedly I caught the Speaker's ear first, but the gentleman from Pennsylvania caught his eye.

The SPEAKER. The gentleman from Texas had the floor just before adjournment yesterday.

Mr. HENRY of Texas. Not in my own right as a member of the committee. I ask for it in my own right as a member of the Judiciary Committee, if there is anything in the rule, tradition, or principle.

The SPEAKER. If the gentleman's contention was correct, having occupied the floor just before adjournment and with a recognition as against the preferential motion, or if the Chair should recognize the gentleman now, he would have more than the hour, without recognition of some other Member.

Mr. HENRY of Texas. The gentleman from West Virginia had the floor yesterday, and after he has been voted down it seems to me that I should have the floor.

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61st Congress, 2d Session. } HOUSE OF REPRESENTATIVES. { Report No. 152.

STATEHOOD FOR THE TERRITORIES.

January 15, 1910.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. Hamilton, of Michigan, from the Committee on the Territories, submitted the following

REPORT.

[To accompany H. R. No. 18166.]

The Committee on the Territories, to whom was referred H. R. 18166, to enable the people of New Mexico to form a constitution and state government and be admitted into the Union on an equal footing with the original States, and to enable the people of Arizona to form a constitution and state government and be admitted into the Union on an equal footing with the original States, report same back to the House of Representatives and recommend that it do pass.

ANALYSIS OF BILL.

This bill, under a single title and enacting clause, enables two States to be admitted into the Union.

It consists of 34 sections, the first 17 of which relate to the proposed State of New Mexico, the area of which is to comprise the present Territory of New Mexico, and the remaining 17 sections relate to the proposed State of Arizona, the area of which is to comprise the present Territory of Arizona.

The whole bill is drawn to conform as nearly as may be to the language of previous enabling acts, and contains such provisions as may in their nature be common to all, besides such additional provisions as are made necessary by existing laws and local conditions.

The sections framed to provide similar objects for each of the proposed new States are made to conform as nearly as may be to each other.

The States of Arizona and New Mexico can be admitted into the Union about January 1, 1911.

Each State is to be admitted into the Union by a proclamation of the President of the United States, in the usual manner, after compliance with certain requirements.

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An election which is properly safeguarded is provided for delegates to a constitutional convention for each proposed State. The convention for New Mexico is to consist of 100 delegates, and that for Arizona of 52 delegates.

The constitution framed must in each case conform to the usual requirements and be submitted to the people of each proposed State, respectively, for ratification at an election to be held for that purpose.

With respect to elections, the pending bill differs from that reported a year ago in that separate elections are provided for the ratification or rejection of the constitution, and for the selection of state, county, and other officers.

This change is recommended so that the attention of voters may be directed solely to the provisions of the constitution, and so that they may not be diverted and their judgment possibly influenced by the questions involved in the election of a large body of state, county, and other local officers.

Each State is to constitute a judicial district, and the proper officials are provided therefor. New Mexico is to be attached to the eighth and Arizona to the ninth circuit.

Proper provision is made in the usual way for pending causes in the territorial courts during the transition.

New Mexico is allowed two and Arizona one Member of the House of Representatives, representation being based on the last census, supplemented by a conservative estimate of increase in population since 1900.

Proper provision is made in each State for nonsectarian common schools and the teaching of English therein.

Suffrage is well guarded, and strong antipolygamy clauses are in the bill.

The new States are to assume and pay the debts of the Territories, respectively.

The capital of New Mexico is fixed at Santa Fe until 1915, and that of Arizona at Phoenix until the same year, at which time it is expected that conditions will have so shaped themselves that state capitals may be established by elections provided for that purpose, with entire fairness to all parts of the States concerned.

Each State, as in the case of Utah, because of the arid character of the land, is given two sections of nonmineral land in each township for the support of common schools in addition to the two sections heretofore granted or reserved. Each is also given, as is usual, certain specific donations of land for its educational and other institutions.

The bill fixes a minimum price at which the lands granted for educational purposes subject to sale may be sold. The price east of the one hundred and fifth meridian is fixed at $5 per acre. This covers approximately the east third of New Mexico. The price fixed on the remaining two-thirds of New Mexico and upon Arizona is $3 per acre.

It is recognized by the committee as well as by other earnest advocates of a minimum price, that practically none of these lands are worth now anything like the minimum price fixed. Where school sections fall within national forests, such lands are more valuable than outlying lands, but such lands can not be sold, and comparatively few sections fall within irrigable districts where land prices are now high. It is believed, however, that the advance of science, the irrig-

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sion of public and private irrigation projects, and the tendency toward the higher development of smaller holdings will, in the case of Arizona and New Mexico, as in the case of other States, result in a sure, although possibly slow, increase of land values.

The educational lands which are subject to sale would probably not bring on the market now much more than 25 cents an acre, but if the history of other States in which minimum prices, which at the time were considered prohibitive, were fixed shall be repeated in Arizona and New Mexico, it is of the utmost importance that some restriction be placed upon the sale of these lands.

The experience of other States and the importance of fixing a minimum selling price for educational lands is indicated in the following extract from a letter from former Secretary of the Interior Garfield addressed to the chairman of the committee in the last Congress.

> The history of the public-land States in the matter of the disposal of granted school lands has convinced me that those States which have a minimum price fixed on their lands granted for educational purposes get a much larger return from their lands. I am informed that most States with no minimum have not disposed of their lands to the best advantage, thus seriously failing to derive the full benefit to which the schools are entitled. The States of North and South Dakota, Montana, Wyoming, Idaho, and Washington have a $10 minimum fixed on their lands, and I am informed that none of these States, unless it is Wyoming, feels that this high minimum is harmful.
>
> On the contrary, I find that officials of these States are zealous and proud of the splendid school funds which they are creating from the sale of school lands. North Dakota, which a few years ago seemed to contain immense areas of poor land, is, I am informed, obtaining in many cases $15 or $20 per acre for its school sections. Colorado seems to have an exceedingly low minimum, $2.50; and nevertheless it has administered its land grants unusually well, securing from them very large returns, both from sales and from leases. For these reasons, I urge that a minimum price be fixed for these proposed new States. They will be able to lease most of their land, if it is not worth to-day the minimum price, and will thereby obtain an income.

As has been suggested, many school sections will fall within national forests, which cover an area in New Mexico of 10,971,711 acres and in Arizona of 15,250,130 acres.

The new States naturally dislike to be compelled to take indemnity lands for these forest sections, because indemnity lands of equal value can not be obtained. On the other hand, it would be inconvenient for the States and undoubtedly injurious to the interests of the Federal Government if the States were permitted or were obliged to lease, sell, or manage these sections scattered through the national forests.

It has therefore been provided that the States may, at their option, take indemnity lands for school sections within national forests, or may allow the sections so left in national forests to remain under the control of the Federal Government to be administered in connection with the national forests, the States to receive, as income from their school sections, such proportion of the gross proceeds of the income from national forests within their respective boundaries as the area of their school sections bears to the total national forest area within their respective boundaries. The committee has little doubt that the States will be glad to avail themselves of the privilege of having their forest sections administered in this way.

In addition to grants for educational purposes, New Mexico is given 3,000,000 and Arizona 3,300,000 acres of nonmineral land for the payment "of the valid and subsisting debts of said Territory and of the debts of the counties thereof which are valid and subsisting at the

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date of the approval of this act, and which said Territory may have assumed or said State shall assume."

This grant, which the committee thought preferable to a grant of money, is intended to provide a fund to be derived either from the sale of the lands or from the income from them with which the new States may, at least in part, pay the indebtedness of the Territories, and such valid county and other public debts as the Territories have assumed or the States may assume.

The fact that so much of the area of the proposed States is in the public domain, and the fact that much of the most valuable land is included in national forests and other reservations, deprive the proposed States of resources readily convertible for the payment of debts, and it was thought to be only fair that a grant of land should be made to enable the new States to meet, so far as possible, their existing obligations.

This grant to each of the proposed States may at first appear to be large, but from the information which your committee has been able to obtain from residents and officials in the Territories and from the Interior Department, it is believed that if this land were to be placed upon the market it would not bring an average of more than 25 cents an acre. Some estimates are lower and some slightly higher. If these lands are sold without delay, as the States may desire to sell them so as to relieve themselves of further interest charges, it is believed they will not bring over 25 cents an acre, or $750,000 for each State.

A proviso has been added to the section making the grant to the effect that if any of the lands granted, or any of the proceeds of the sale or lease thereof, shall remain after the payment of the debts, such remainder shall become a part of the permanent school fund of the State, the interest from which only can be expended.

If this proviso shall prove to be an incentive for the conservation and improvement of these lands, and their careful management shall provide a larger fund than is needed for the payment of debts, any remainder will be devoted to the excellent purpose of maintaining the common schools of the State.

The grant is a grant to the people for commendable public purposes. Former Secretary of the Interior Garfield, in a letter addressed to the chairman of the committee in the last Congress, said in reference to this grant of lands for the payment of debts:

> I also suggest that special attention should be given by the committee to the 3,000,000-acre grant for payment of debts and to the class of debts to which this grant should be made applicable. Three million acres is an immense tract. It would probably be selected in large blocks, and since the suggested minimum price in sections 10 and 27 applies only to grants for educational purposes—in other words, grants which are supposed to be permanent funds—the States might find it necessary to sell this land for prices as low as, or lower than, 25 cents per acre.

Arizona is given 300,000 acres more than New Mexico because New Mexico has heretofore had much larger grants for territorial institutions than Arizona.

Each State, as is usual, after admission is to receive 5 per cent of the cash realized from the sale of public lands within the State, to form a permanent fund, the interest of which only can be used for the maintenance of its common schools, and the usual restrictions, requirements, and safeguards are thrown around all of these donations to each of the States.

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An appropriation of $100,000 for the State of New Mexico and of $100,000 for the State of Arizona, or so much thereof in each case as may be necessary, is made for defraying the expenses of the conventions provided for in the bill, to be expended under the direction of the Secretary of the Interior.

It is provided that until the admission of the proposed States the territorial officers shall continue to perform their duties as at present in the respective Territories.

QUALIFICATIONS FOR STATEHOOD.

Article IV, section 3, of the Constitution of the United States provides that "new States may be admitted by Congress into the Union," but the Constitution nowhere defines the qualifications of Territories for statehood. Congress therefore has discretion as to what conditions shall be required of Territories seeking admission as States, and in exercising that discretion Congress ought to take into consideration not only the number and character of the population and the resources of Territories, but the question of the probability of increase in both.

ARIZONA.

Arizona was a part of the territory acquired from the Republic of Mexico by the treaty of Guadalupe-Hidalgo, February 2, 1848, and by the Gadsden purchase of December 30, 1853, and was a part of the original Territory of New Mexico, from which it was separated and organized into a Territory in 1863.

It is 378 miles long by 339 miles wide and contains 112,920 square miles, or 73,000,000 acres. By the census of 1900 it had a population of 122,931, of whom 26,480 were Indians, being 1.1 persons to the square mile.

The census of 1900 has always been declared by the people of Arizona to have been inaccurate in that it did not give the Territory as many people as it was claimed were there, it having been impossible for enumerators, because of great distances and lack of time, to completely cover the ground. When the question of statehood was under consideration three years ago, representatives from the Territory asserted well-supported claims that the population was not less than 175,000.

There having been no census since 1900, the committee has been compelled to rely on the estimates of citizens and officials having knowledge of conditions.

A comparison of the vote cast in 1900 with that cast in 1908 at the election for Delegate in Congress, coupled with the fact that great distances tend to a light vote; a similar comparison of the census of school children in 1900 with that in 1909; the more rapid settlement on agricultural lands, particularly in the vicinity of irrigation projects; the development of mining camps into permanent communities; the increase of 126 per cent in the receipts of post-offices in the Territory since 1900, and the fact that as conditions have become more settled and permanent communities have been established the percentage of women and children has constantly increased, lead to the conclusion that Arizona has a population of not less than 200,000.

Former Governor Kibbey estimated the population to be 69 per cent American, 13 per cent Mexican (native and foreign born), 11 per cent Indian, and 6 per cent other foreign nationalities.

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There is no reason to suppose the percentage of illiteracy is any greater than it was three years ago when it was estimated by the governor to be not more than 1 per cent.

The Territory has two normal schools, with buildings and property valued at approximately $300,000.

It has a university (in connection with which are various other schools, such as a military institute, college of mines, and agricultural and mechanical college), with buildings and other property valued at $245,000; an insane asylum, with buildings and other property valued at $222,000; a territorial prison, with buildings and other property valued at $136,000; and an industrial school (reformatory), with buildings and other property valued at $35,000. The capitol building, with the land upon which it stands, is valued at $160,000.

There were published in the Territory last year 18 daily and 54 weekly newspapers (3 in the Spanish language), and 3 periodicals issued monthly.

The total assessment of property for taxation for the year 1909 was $82,684,062.56. It is difficult to strike an average of the ratio of assessed value to actual value, but the governor last year estimated the actual value of property in the Territory to be $450,000,000.

While the lands of the Territory are mainly valuable for agriculture only when irrigated, no reason is known why methods of dry farming employed in various parts of the United States will not be employed in Arizona. The soil, when once irrigated, is invariably of great fertility.

Two irrigation projects now in construction, on the Colorado near Yuma and on the Salt at Roosevelt, will cost in the aggregate about $9,000,000 and will irrigate nearly 300,000 acres. It should be remembered that this irrigated territory will support a dense population.

On June 23, 1909, there were in Arizona 33 territorial and 13 national banks, with a capital and surplus of $3,512,087.69, deposits of $16,849,510.53, and loans and discounts of $10,314,524.70.

Stock raising is an important industry, the value of live stock being estimated at $18,000,000 last year.

The forest area is said to be the largest in the United States, and the national forests cover something over 15,000,000 acres.

The chief industry is mining, and while great mineral wealth has already been developed, it is asserted that the mineral resources of Arizona, so far as developed, are small as compared with its possibilities.

The Territory has within its limits approximately 1,900 miles of railroad, as against 1,400 miles three years ago.

The bonded indebtedness of the Territory on June 30, 1909, was $3,098,275.29, which includes the indebtedness of the various counties which has been assumed by the Territory, the counties reimbursing the Territory for the interest paid.

NEW MEXICO.

New Mexico was acquired from the Republic of Mexico by the treaty of Guadalupe-Hidalgo, February 2, 1848, and by the Gadsden purchase of December 30, 1853.

It is 360 miles north and south by 346 miles east and west and contains 122,580 square miles, or 78,451,200 acres, on which, by the census

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of 1900, lived a population of 195,310, being 1.6 persons to the square mile.

Relying in part upon the same sources of information upon which the population of Arizona has been estimated, and in addition upon records of land entries and upon immigration statistics obtained from the territorial bureau of immigration and from railroads, the governor of New Mexico is of the opinion that the population of the Territory is not far from half a million. The committee estimates that New Mexico has a population of not less than 400,000.

The outstanding bonded debt of the Territory on May 31, 1909, was $1,002,000. The sinking fund is $89,579.49. The balance in the territorial treasury on June 1, 1909, was $527,225.16.

The aggregate bonded indebtedness of the counties in the Territory is stated by the governor in his last annual report to be $2,874,434.

The Territory has a university with buildings and land valued at $117,000; agricultural college, $240,000; military institute, $200,000; reform school, $25,000; penitentiary ,$228,000; normal schools, $200,000; insane asylum, $189,000; deaf and dumb asylum, $38,000; miners' hospital, $38,000; school of mines, $82,000; blind asylum, $38,000; capitol (old and new capitol bonds), $370,000.

The assessed valuation of property for the year 1909 was $58,500,000.

As in the case of Arizona, it is difficult to fix the ratio of the assessed valuation to the actual value, but the percentage is low, and the governor's estimate that the Territory has over $300,000,000 worth of property is probably not far wrong.

In addition to this actual value of property, subject to taxation, there are many homesteads under cultivation and many mining claims, where patents have not yet issued, and which are still exempt from taxation. There are probably 400 miles of railroad recently constructed and exempt from taxation for six years. It is estimated that there are 9,000,000,000 tons of coal in the Territory. The value of these resources, not yet subject to taxation, and of other undeveloped resources is estimated to be not less than $500,000,000.

The Territory has an excellent school system, the buildings alone being estimated to be worth over $1,000,000.

The school census taken in August, 1908, showed 93,894 children of school age.

It is stated that there are over 50 sectarian schools conducted by various religious denominations, with an enrollment of over 6,000 pupils.

All the territorial institutions and the public school system of New Mexico have been built and sustained by the Territory without the aid of the Federal Government except by the usual grant of sections 16 and 36 for common-school purposes and by grants of land for territorial institutions.

New Mexico has ten daily and probably nearly a hundred weekly newspapers.

Agriculture in New Mexico is mainly conducted by irrigation along the river valleys of the San Juan, Rio Grande, the Mimbres, the Canadian, the Cimarron, the Gila, the Pecos, their tributaries, and some smaller valleys, although dry farming has developed extensively in the eastern counties of the Territory.

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In his last annual report the governor states that there are 41 national and 34 territorial banks in the Territory, with a capitalization of $3,274,086, and with resources and liabilities amounting to $24,608,651.

It is safe to say that the Territory has 3,000 miles of railroad, of which probably 2,600 miles are subject to taxation.

CONCLUSION.

New Mexico and Arizona—particularly New Mexico—have repeatedly applied for admission. Bills for their admission as separate States have many times passed the House, and sometimes have passed both Houses and failed in conference.

In the last six years the Committee on the Territories has devoted much time to the question of statehood, and bills have been fully considered in the House and Senate.

The Republican national platform for 1908 declared as follows:

> We favor the immediate admission of the Territories of New Mexico and Arizona as separate States in the Union.

The Democratic national platform for 1908 declared:

> The National Democratic party has for the last sixteen years labored for the admission of Arizona and New Mexico as separate States of the Union, and recognizing that each possesses every qualification successfully to maintain separate state governments we favor the immediate admission of these Territories as separate States.

The minority members of the committee withhold their indorsement of that part of the bill which provides for the composition of the constitutional convention and the arrangement of districts for the selection of delegates to the convention, because the minority members believe the machinery for the election of delegates to the convention should be in control of persons of both political parties and that all the election machinery should be bipartisan; but they concur with the majority in general support of the bill, notwithstanding their disagreement to the election provisions.

The pending bill has been prepared with the utmost care, with proper regard for the interests of the people of the proposed States and of the United States, and the committee recommends that it pass.

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