X re H.R. 16560

CONGRESSIONAL RECORD:

CONTAINING

THE PROCEEDINGS AND DEBATES

OF THE

FIFTY-EIGHTH CONGRESS, THIRD SESSION.

VOLUME XXXIX.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1905.

LIS - 3

LEGISLATIVE INTENT SERVICE (800) 666-1917

S. R. 97—

Providing for the payment of the expenses of the Senate in the impeachment trial of Charles Swayne.

Mr. Allison, and passed Senate 1289.—Debated and passed House 1400.—Examined and signed 1592, 1621.—Approved by President 1969.

S. R. 98—

To print a second and revised edition of the Third Annual Report of the United States Reclamation Service.

Mr. Bard; Committee on Printing 1329.—Reported back and passed Senate 1667.—Referred to House Committee on Printing 1809.—Reported back with amendments (H. R. REPORT 4894), debated, amended, and passed House 3999.—Senate concurs in House amendment 3961.—Examined and signed 4027, 4029.—Approved by President 4027.

S. R. 99—

Empowering the Commissioners of the District of Columbia to make regulations respecting places used for market purposes, and authorizing them to establish, regulate, and control markets and change the location of the same within the District of Columbia.

Mr. Gallinger; Committee on District of Columbia 1445.—Reported back adversely and indefinitely postponed 1832.

S. R. 100—

Providing that certain lands in the Unitah Indian Reservation, State of Utah, shall be subject to withdrawal and use under the provisions of the reclamation act.

Mr. Smoot; Committee on Indian Affairs 1445.

S. R. 101—

Authorizing the Secretary of War to deliver a condemned cannon to the National Encampment of the Grand Army of the Republic.

Mr. Kean; Committee on Military Affairs 1577.—Reported back with amendment (S. REPORT 3795), amended, and passed Senate 2225.—Referred to House Committee on Military Affairs 2431.—Reported back (H. R. REPORT 4900) and passed House 3975.—Examined and signed 3942, 3975.—Approved by President 4028.

S. R. 102—

Authorizing the Secretary of War to furnish a condemned cannon to the board of regents of the University of South Dakota, at Vermilion, S. Dak., to be placed on the campus of said institution as a memorial to students of said university who served in the Spanish-American war.

Mr. Gamble: Committee on Military Affairs 1625.—Reported back with amendment (S. REPORT 3934) and consideration objected to 2710, 3947.

S. R. 103—

Requiring the Director of the Census to collect statistics of marriage and divorce.

Mr. Quarles; Committee on Census 1669.

S. R. 104—

Extending the time during which the Washington and Gettysburg Railway Company of Maryland may extend its lines into and within the District of Columbia.

Mr. Gallinger; Committee on District of Columbia 1757.

S. R. 105—

Authorizing the Secretary of the Interior, in conjunction with the State of Texas, to determine and establish the boundary line between the Choctaw Nation, Ind. T., and the State of Texas.

Mr. Stewart; Committee on Indian Affairs 1818.

S. R. 106—

To extend the time for construction of the Akron, Sterling and Northern Railroad in Alaska.

Mr. Penrose; Committee on Territories 1914.

S. R. 107—

Authorizing the Commission to Revise the Laws of the United States to incorporate in its final report the criminal and penal laws and the judiciary title heretofore reported by said Commission.

Mr. Platt of Connecticut; Committee on Judiciary 2061.—Reported back, debated, and passed Senate 3601.—Referred to House Committee on Revision of Laws 3672.—Reported back (H. R. REPORT 4898) 4023.—Debated and passed House 3976, 3988.—Examined and signed 3964, 4022.—Approved by President 4027.

S. R. 108—

Relative to ceding the Isle of Pines to Cuba.

Mr. Carmack; Committee on Foreign Relations 2147.

S. R. 109—

To print the report of the Eighth International Geographic Congress.

Mr. Gallinger; Committee on Printing 2147.—Reported back and passed Senate 2966.—Referred to House Committee on Printing 3122.—Reported back (H. R. REPORT 4896) and passed House 3999.—Examined and signed 4027, 4029.—Approved by President 4027.

S. R. 110—

For the relief of P. J. McMahon.

Mr. Taliaferro; Committee on Naval Affairs 2227.

S. R. 111—

Providing for the printing of the report on the progress of the beet sugar industry in the United States in 1904.

Mr. Dillingham; Committee on Printing 2819.

S. R. 112—

Proposing an amendment to the Constitution of the United States providing for the removal from office of civil officers of the United States.

Mr. Bacon; debated and laid on table 3474.

S. R. 113—

Providing for a joint commission to investigate the question of additional legislation to regulate interstate commerce.

Mr. Dolliver; Committee on Interstate Commerce 3846, 3851.

S. R. 114—

To continue in force the provisions of section 2 of "An act to provide for the temporary government of the Canal Zone at Panama, the protection of the canal works, and for other purposes," approved April 28, 1904.

Mr. Kittredge; debated and passed Senate 3869, 3929, 3937.—Referred to House Committee on Interstate and Foreign Commerce 4003.

S. R. 115—

Accepting the recession by the State of California of the Yosemite Valley grant and the Mariposa Big Tree Grove in the Yosemite National Park.

Mr. Perkins; debated and passed Senate 3962, 3963.—Debated, amended, and passed House 4018.—Senate concurs in House amendment 3971.—Examined and signed 4027, 4029.—Approved by President 4027.

S. R. 116—

To enable the Secretary of the Senate and Clerk of the House of Representatives to pay the necessary expenses of the inaugural ceremonies of the President of the United States, March 4, 1905.

Mr. Hale; Passed Senate 4024.—Passed House (*omitted in Record*).—Examined and signed 4027, 4029.—Approved by President 4027.

HOUSE BILLS.

H. R. 54—

To amend an act entitled "An act to provide for the adjudication and payment of claims arising from Indian depredations," approved March 3, 1891.

Debated in House 282.—Minority report filed (H. R. REPORT 2854) 4023.

H. R. 130—

Granting an increase of pension to Washington I. Cook.

Amended and passed House 147, 160.—Referred to Senate Committee on Pensions 188.—Reported back (S. REPORT 3022) 899.—Passed Senate 1350.—Examined and signed 1497, 1569, 1749.—Approved by President 2006.

H. R. 132—

Granting an increase of pension to James P. Griffith.

Reported back with amendment (H. R. REPORT 3082) 290.—Amended and passed House 847.—Referred to Senate Committee on Pensions 893.—Reported back (S. REPORT 3169) 1221.—Passed Senate 1358.—Examined and signed 1498, 1569, 1749.—Approved by President 2006.

H. R. 299—

For the relief of Mary A. Shufeldt.

Reported back with amendment (H. R. REPORT 4652) 2874.

LEGISLATIVE INTENT SERVICE (800) 666-1917

H. R. 16539—
For the relief of the drafted men of Pendleton and other counties in the State of Kentucky.
Mr. Smith of Kentucky; Committee on War Claims 251.

H. R. 16540—
Granting a pension to Annie B. Orr.
Mr. Smith of Pennsylvania; Committee on Invalid Pensions 251.—Reported back with amendment (H. R. REPORT 3816) 1271.—Amended and passed House 1550.—Referred to Senate Committee on Pensions 1568.—Reported back (S. REPORT 3698) 1912.—Passed Senate 2653.—Examined and signed 2870, 2885, 3126.—Approved by President 3585.

H. R. 16541—
For the relief of Lawrence Collins and Edward J. Flanigan.
Mr. Southwick; Committee on Claims 251.

H. R. 16542—
To correct the record of Harrison Clark.
Mr. Southwick; Committee on Military Affairs 251.

H. R. 16543—
For the relief of Daniel Leary.
Mr. Southwick; Committee on War Claims 251.

H. R. 16544—
Granting an increase of pension to Varner G. Root.
Mr. Southwick; Committee on Invalid Pensions 251.—Reported back (H. R. REPORT 3281) 611.—Passed House 865.—Referred to Senate Committee on Pensions 896.—Reported back (S. REPORT 3553) 1623.—Passed Senate 2646.—Examined and signed 2872, 2885, 3124.—Approved by President 3587.

H. R. 16545—
Granting an increase of pension to Jacob F. Bradt.
Mr. Southwick; Committee on Invalid Pensions 251.

H. R. 16546—
Granting an increase of pension to George A. Van Bergen.
Mr. Southwick; Committee on Invalid Pensions 251.

H. R. 16547—
For the relief of Z. T. Taylor.
Mr. Sterling; Committee on Claims 251.

H. R. 16548—
Granting an increase of pension to Hamilton Se Cheverell.
Mr. Thomas of Ohio; Committee on Invalid Pensions 251.

H. R. 16549—
For the relief of the heirs of Dr. J. B. Owen.
Mr. Thomas of North Carolina; Committee on War Claims 251.

H. R. 16550—
To complete the military record of James A. Sams, and for an honorable discharge.
Mr. Webb; Committee on Military Affairs 251.

H. R. 16551—
Granting an increase of pension to William Morris.
Mr. Perkins; Committee on Invalid Pensions 251.—Reported back with amendment (H. R. REPORT 3556) 951.—Amended and passed House 1526.—Referred to Senate Committee on Pensions 1568.—Reported back (S. REPORT 3721) 1913.—Passed Senate 2655.—Examined and signed 2872, 2885, 3124.—Approved by President 3587.

H. R. 16552—
To revive and amend an act to provide for the collection of abandoned property and the prevention of frauds in insurrectionary districts within the United States, and acts amendatory thereof.
Mr. Southwick; Committee on Judiciary 249.

H. R. 16553—
To protect free labor and the industries in which it is employed from the injurious effect of convict labor.
Mr. Southwick; Committee on Labor 249.

H. R. 16554—
To establish a commissioner's court at Stigler, Ind. T.
Mr. Little; Committee on Judiciary 291.

H. R. 16555—
To define the boundaries of the Bitter Root Valley, in the State of Montana.
Mr. Dixon; Committee on Public Lands 291.

H. R. 16556—
To increase the efficiency of United States shipping commissioners and to provide for the organization of a free shipping bureau.
Mr. Dunwell; Committee on Merchant Marine and Fisheries 291.

H. R. 16557—
Authorizing the closing of part of an alley in square No. 733, in the city of Washington, D. C.
Mr. Samuel W. Smith; Committee on District of Columbia 291.

H. R. 16558—
To establish a fish-cultural station in the State of Ohio.
Mr. Beidler; Committee on Merchant Marine and Fisheries 291.

H. R. 16559—
To amend the laws governing the Steamboat-Inspection Service.
Mr. Goulden; Committee on Merchant Marine and Fisheries 291.

H. R. 16560—
To authorize the registration of trade-marks used in commerce with foreign nations or among the several States or with Indian tribes, and to protect the same.
Mr. Bonynge; Committee on Patents 292.—Reported back (H. R. REPORT 3147) 421.—Debated and passed House 884, 887.—Referred to Senate Committee on Patents 903.—Reported back with amendments (S. REPORT 3278) 1279.—Debated and passed over in Senate 1398.—Amended and passed Senate 1452.—House disagrees to Senate amendments 1751.—Senate insists upon its amendments 1758.—Conference appointed 1751, 1758.—Conference report made and agreed to 2052, 2145, 2412.—Examined and signed 2595, 2601, 2762.—Approved by President 2954.

H. R. 16561—
To encourage rifle practice and excellence in marksmanship among citizens of the United States, so as to render them quickly available for efficient service in time of war.
Mr. Hull; Committee on Military Affairs 292.

H. R. 16562—
For the survey of an inland waterway along the Gulf of Mexico from the Rio Grande River, in Texas, to Donaldsonville, La.
Mr. Burgess; Committee on Rivers and Harbors 292.

H. R. 16563—
For the construction, equipment, and operation of a dredge with necessary appliances and scows.
Mr. Hermann; Committee on Rivers and Harbors 292.

H. R. 16564—
Authorizing a public building at Kinston, N. C.
Mr. Claude Kitchin; Committee on Public Buildings and Grounds 292.

H. R. 16565—
Extending privileges of immediate transportation to Burlington, Iowa.
Mr. Hedge; Committee on Ways and Means 292.

H. R. 16566—
To authorize the Secretary of the Treasury to examine the evidence relating to payments made by the State of Missouri to the military forces of said State in suppression of the rebellion, and of the debts due the officers and men for service rendered, and to individuals for supplies furnished, and to report thereon to Congress.
Mr. Cowherd; Committee on War Claims 292.

H. R. 16567—
To authorize The Decatur Transportation and Manufacturing Company, a corporation, to construct, maintain, and operate a bridge across the Tennessee River at or near the city of Decatur, Ala.
Mr. Richardson of Alabama; Committee on Interstate and Foreign Commerce 292.—Reported back with amendment (H. R. REPORT 3479) 726.—Debated, amended, and passed House 823.—Referred to Senate Committee on Commerce 834.—Reported back 898.—Passed Senate 1630.—Examined and signed 1808, 1814, 1906.—Approved by President 2508.

H. R. 16568—
Increasing the limit of cost of public building at Charlottesville, Va.
Mr. Hay; Committee on Public Buildings and Grounds 292.

LEGISLATIVE INTENT SERVICE (800) 666-1917

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Under the provisions of an act of Congress approved April 23, 1904, I nominate the officers herein named to be placed on the retired list of the Army with the rank of brigadier-general from the respective dates upon which they shall be retired from active service:

Col. Charles Smart, assistant surgeon-general.

Col. Charles Shaler, Ordnance Department.

Under the provisions of an act of Congress approved April 23, 1904, I nominate the officers herein named to be placed on the retired list of the Army with rank from April 23, 1904.

With the rank of brigadier-general.

Col. Charles S. Stewart, retired, died July 22, 1904.

Col. Charles M. Terrell, retired, died November 22, 1904.

With the rank of lieutenant-colonel.

Maj. William Austine, retired, died September 4, 1904.

With the rank of major.

Capt. Leonard Hay, retired, died November 12, 1904.

Capt. Thomas E. Merritt, retired, died August 26, 1904.

With the rank of captain.

First Lieut. Henry R. Williams, retired, died October 16, 1904.

Under the provisions of an act of Congress approved April 23, 1904, I nominate Col. William L. Alexander, assistant commissary-general, to be placed on the retired list of the Army with the rank of brigadier-general from the date upon which he shall be retired from active service.

Under the provisions of an act of Congress approved April 23, 1904, I nominate the officer herein named to be placed on the retired list of the Army:

With the rank of major from April 23, 1904.

Capt. Robert W. Shufeldt, retired.

POSTMASTERS.

DELAWARE.

Edward F. Prettyman to be postmaster at Seaford, in the county of Sussex and State of Delaware.

HAWAII.

Arthur Waal to be postmaster at Lahaina, in the county of Maui Island, Hawaii.

IOWA.

William C. Snyder to postmaster at Lake City, in the county of Calhoun and State of Iowa.

MINNESOTA.

Henry K. White to be postmaster at Alexandria, in the county of Douglas and State of Minnesota.

MISSOURI.

Godfrey Haldiman to be postmaster at California, in the county of Moniteau and State of Missouri.

J. A. Knowles to be postmaster at Flat River, in the county of St. Francois and State of Missouri.

Solomon R. McKay to be postmaster at Troy, in the county of Lincoln and State of Missouri.

Benjamin C. Nichols to be postmaster at Trenton, in the county of Grundy and State of Missouri.

NEVADA.

Herbert Badt to be postmaster at Wells, in the county of Elko and State of Nevada.

NEW JERSEY.

James M. Bogert to be postmaster at Westwood, in the county of Bergen and State of New Jersey.

NEW YORK.

John M. Gilmour to be postmaster at Morristown, in the county of St. Lawrence and State of New York.

J. Johnson Ray to be postmaster at Norwich, in the county of Chenango and State of New York.

Herbert J. Rouse to be postmaster at Cazenovia, in the county of Madison and State of New York.

PENNSYLVANIA.

Sallie P. Gillingham to be postmaster at Langhorne, in the county of Bucks and State of Pennsylvania.

Jacob D. Laciar to be postmaster at Wilkesbarre, in the county of Luzerne and State of Pennsylvania.

Sarah M. Lowell to be postmaster at Tioga, in the county of Tioga and State of Pennsylvania.

Leanus Schreiner to be postmaster at Tower City, in the county of Schuylkill and State of Pennsylvania.

Fred M. Williams to be postmaster at Nicholson, in the county of Wyoming and State of Pennsylvania.

PORTO RICO.

Walter K. Landis to be postmaster at San Juan, in the county of San Juan, P. R.

SOUTH CAROLINA.

Ida A. Calhoun to be postmaster at Clemson College, in the county of Oconee and State of South Carolina.

James E. Horton to be postmaster at Belton, in the county of Anderson and State of South Carolina.

A. L. King to be postmaster at Georgetown, in the county of Georgetown and State of South Carolina.

TENNESSEE.

Daniel M. Nobles to be postmaster at Paris, in the county of Henry and State of Tennessee.

VERMONT.

F. Henry Foss to be postmaster at Vergennes, in the county of Addison and State of Vermont.

HOUSE OF REPRESENTATIVES.

SATURDAY, *January 14, 1905.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

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

DISMISSAL OF LETTER CARRIERS.

Mr. GILLETT of Massachusetts. Mr. Speaker, I present the following privileged report which I send to the Clerk's desk.

The Clerk read as follows:

Report to accompany House resolution 404.

The Committee on Reform in the Civil Service to whom was referred House resolution 404, requesting the President to communicate to the House certain reports, etc., showing certain Executive action, and directing the Postmaster-General to communicate all facts bearing upon the dismissal of certain letter carriers, report back the resolution, and recommend the passage thereof after it has been amended by striking out all of the preamble and substituting for the first resolution the following:

"*Resolved*, That the President is requested to communicate to the House, if not in his judgment incompatible with the interest of the public service, all reports, documents, papers, and orders showing the Executive action relative to the political activity of letter carriers mentioned in his last annual message, and the grounds therefor."

Mr. GILLETT of Massachusetts. Mr. Speaker, I move that the resolution be agreed to.

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

Mr. BARTLETT rose.

The SPEAKER. Does the gentleman from Massachusetts yield to the gentleman from Georgia?

Mr. GILLETT of Massachusetts. Certainly.

Mr. BARTLETT. I desire to know something about this. If I understand it, there was some resolution introduced and referred to the Committee on Reform in the Civil Service asking the President to furnish information with reference to the removal of certain letter carriers in the city of New York.

Mr. GILLETT of Massachusetts. It was a resolution of inquiry asking the President and the Postmaster-General to give the information as to the reasons for the discharge of certain letter carriers. The committee considered it and unanimously reported the resolution, which was introduced by the gentleman from New York [Mr. HEARST].

Mr. BARTLETT. The gentleman from Massachusetts says: "The President and Postmaster-General." As I caught the reading of the resolution, it is directed to the President only.

Mr. GILLETT of Massachusetts. There were two sections of the resolution. The Clerk has reported only the first section. One refers to the Postmaster-General and the other section to the President of the United States. I ask, Mr. Speaker, that the resolution as amended be reported.

The SPEAKER. Without objection, the Clerk will read the resolution as amended.

The Clerk read the part of the resolution printed above, with the additional section, as follows:

Resolved, That the Postmaster-General is directed to communicate to the House all facts bearing upon the dismissal of the said James C. Keller, Frank Cunningham, Warren Tumber, and H. W. Aldrich, and the grounds for said dismissal.

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

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

The resolution as amended was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment bills of the following titles:

H. R. 4112. An act granting an increase of pension to Elizabeth Wynne;

H. R. 2353. An act granting an increase of pension to Sophia C. Hilleary;

LEGISLATIVE INTENT SERVICE (800) 666-1917

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARY A. SEELE.

The next pension business was the bill (H. R. 16132) granting an increase of pension to Mary A. Seele.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary A. Seele, widow of Charles Seele, late of Company B, Eighth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twenty" and insert in lieu thereof the word "twelve."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

FRANCIS D. LEWIS.

The next pension business was the bill (H. R. 14695) granting an increase of pension to Francis D. Lewis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Francis D. Lewis, late of Company I, Twenty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "seventy-two" and insert in lieu thereof the word "sixty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

RECONSIDERATION.

On motion of Mr. SULLOWAY, a motion to reconsider the vote by which the several bills were this day passed was laid on the table.

JOHN H. SKINNER.

Mr. SIMS. Mr. Chairman, I ask to return to Calendar No. 182 (S. 2433), to amend the military record of John H. Skinner.

The SPEAKER pro tempore. The Chair would state to the gentleman that the bill presented does not come under the rule for consideration on this day, and therefore can not be considered under this rule.

EUGENE H. ELY.

Mr. WADE. Mr. Speaker, I desire to take up the bill (H. R. 5052) granting an honorable discharge to Eugene H. Ely.

The SPEAKER pro tempore. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to correct the military record of and grant an honorable discharge to Eugene H. Ely, late first lieutenant of Company G, Third Regiment Indian Home Guards: *Provided*, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

The SPEAKER pro tempore. The rule on this subject is as follows:

The House shall, on each Friday, at 5 o'clock, take a recess until 8 o'clock—

Which has been modified in that respect—

at which session private pension bills, bills for the removal of political disabilities, and bills removing charges of desertion only shall be considered.

This bill provides for the granting of an honorable discharge to Ely. The report shows that on the recommendation of his commanding officer, approved by the general commanding the district of the frontier, Lieutenant Ely—

is hereby mustered out of the service, as of the 10th day of May, 1864, for absence without leave or proper authority.

While this is not technically to relieve this soldier from the charge of desertion, it seems to the Chair, in construing this rule, that it is equivalent to that.

Mr. GROSVENOR. Mr. Speaker, I ask to have the report on this case read.

The SPEAKER pro tempore. The gentleman from Ohio asks for the reading of the report.

Mr. DALZELL. Mr. Speaker, unanimous consent has not been granted as yet.

The SPEAKER. It seems to the Chair on the face of the bill that it comes within the rule.

Mr. HULL. Is it a court-martial?

The SPEAKER. Apparently it is a dismissal for absence without leave.

Mr. GROSVENOR. Absence without leave by an officer is equivalent to desertion by an enlisted man.

The SPEAKER. If that be true, it seems to the Chair that this bill would come within the spirit of the rule.

Mr. GROSVENOR. I want the report read, Mr. Speaker. I want to know the merits of the bill.

The SPEAKER. There are ten finely printed pages of the report. Perhaps the gentleman from Iowa can state the facts.

Mr. GROSVENOR. That will be satisfactory to me.

The SPEAKER. Or the gentleman from Iowa can read such portions of the report as will inform the gentleman what he desires to know. The Chair states that by way of suggestion.

Mr. WADE. Mr. Speaker, this party by the name of Ely was a first lieutenant in Company I of the Third Indian Regiment. The colonel of the regiment was William A. Phillips, of Salina, Kans. The whole matter is apparently a misunderstanding, or a mistake, in regard to orders. Under an order from his captain he was given leave to go to Fort Leavenworth, and upon return from there he was sent to Fort Gibson. I will read the statement from the report:

On arriving at Fort Gibson your petitioner found that this brother, Maxwell Phillips, had been transferred without authority from Company I to Company G, Third Regiment of Indian Home Guards, by the colonel commanding the regiment, who was a skillful lawyer and abundantly able to handle and devise affairs of this kind, the purpose being to displace your petitioner and make the brother in question captain of Company G, Third Indian Home Guards. On discovering this condition of affairs your petitioner returned to Fort Leavenworth to lay the matter before General Curtis, but before reaching Fort Leavenworth the Government at Washington changed the Department of Kansas so that the Indian Territory was cut off from that department and attached to the Department of Arkansas. Hence General Curtis assured your petitioner that it would be necessary for him to make application to Gen. Frank Steele, commanding the Department of Arkansas, at Little Rock, Ark., and issued orders to your petitioner to return to Fort Gibson. On arriving at Fort Gibson your petitioner found that he had been reported absent without leave, and was immediately placed under arrest, and in a short time orders were received from General Steele, at Little Rock, Ark., dismissing your petitioner from the service of the United States.

Now, the facts as they developed and which are shown by the orders set forth in this report are that this man was under orders at all times; and that this was a misunderstanding in regard to the orders that he had received and which had not been properly reported, or something of that kind. The report is very voluminous, and there is no question at all under this report but that the man was under orders all the time.

Mr. GROSVENOR. I would like to ask the gentleman if this is the first time he has attempted to get reinstated?

Mr. WADE. Oh, no; he has been at it for years.

Mr. GROSVENOR. How often has he been rejected?

Mr. WADE. It has been reported favorably by the committee two or three times. I know it was reported upon at the last Congress before I came here. This party is an old man—almost in his seventieth year. He has three sons in the Regular Army of the United States, and the only purpose he has in view is to try to get his record straightened out for the sake of these boys.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The question was taken, and the bill was ordered to be engrossed and read a third time; was accordingly read the third time, and passed.

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

REGISTRATION OF TRADE-MARKS.

Mr. BONYNGE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 16560) to authorize the registration of trade-marks used in commerce with foreign nations or among the several States or with Indian tribes, and to protect the same.

The SPEAKER. The gentleman from Colorado asks unanimous consent for the consideration of a bill, of which the Clerk will read the title.

The Clerk read as follows:

A bill (H. R. 16560) to authorize the registration of trade-marks used in commerce with foreign nations or among the several States or with Indian tribes, and to protect the same.

The SPEAKER. Is there objection?

Mr. WILLIAMS of Mississippi. Before giving consent, Mr. Speaker, I would like to hear some explanation from the gentleman.

Mr. BONYNGE. Mr. Speaker, this is a bill which has been prepared by the Committee on Patents, revising the trade-mark laws of the United States. The present trade-mark law does not cover the registration of trade-marks used in interstate commerce; it only applies to trade-marks used in foreign commerce and in commerce with the Indian tribes. For a number of years the merchants and manufacturers of the country have

LEGISLATIVE INTENT SERVICE (800) 666-1917

been appealing to Congress for a change—not only in the respect I have mentioned, but as to the matter of procedure for the registration of trade-marks. It is a very important measure and has received the most careful consideration of the Committee on Patents. Our committee, at the last session, was waited on by delegations from the American Bar Association, from the Patent Law Association, from the American Advertisers' Association, and the American Manufacturers' Association, and full hearings were had before the Committee on Patents.

Mr. WILLIAMS of Mississippi. Does it simply extend the rules now existing as to the registry of trade-marks used in foreign commerce to interstate commerce?

Mr. BONYNGE. No; it goes much further than that. It changes the method of procedure for the registration of trade-marks. There has been, under the present law, no way by which an appeal could be taken from the decision of the Commissioner of Patents upon the question whether a mark was entitled to be registered or not or upon any other question. This bill provides for such an appeal to the Court of Appeals of the District of Columbia, the same as in patent cases, and the procedure for the registration of trade-marks is modeled after the procedure for the obtaining of a patent. It provides fees for all of the proceedings. It changes the life of a certificate of registration of a trade-mark from thirty years to twenty years, to agree with the term fixed by the International Union, and in many other respects amends the present law as to make it conform to treaty stipulations that the United States Government has entered into from time to time with different foreign nations. It prescribes remedies both at law and in equity for the infringement of registered trade-marks. It provides specifically the character of a trade-mark that can be registered under the law, and in many other respects changes and modifies existing law in reference to trade-marks. It has in its favor the unanimous report of the Committee on Patents. We had elaborate hearings before that committee on the bill, and all interests that appeared before the committee have united in favor of the bill that has been reported by the committee. If there are any other gentlemen who desire to ask any questions respecting the bill, I shall be very glad, as far as I am able, to answer them.

The SPEAKER. Is there objection to the present consideration of the bill. [After a pause.] The Chair hears none. The Clerk will report the bill.

The Cerk read as follows:

Be it cnacted, etc., That the owner of a trade-mark used in commerce with foreign nations, or among the several States, or with Indian tribes, provided such owner shall be domiciled within the territory of the United States, or resides in or is located in any foreign country which, by treaty, convention, or law, affords similar privileges to the citizens of the United States, may obtain registration for such trade-mark by complying with the following requirements: First, by filing in the Patent Office an application therefor, in writing, addressed to the Commissioner of Patents, signed by the applicant, specifying his name, domicile, location, and citizenship; the class of merchandise and the particular description of goods comprised in such class to which the trade-mark is appropriated; a description of the trade-mark itself, and a statement of the mode in which the same is applied and affixed to goods, and the length of time during which the trade-mark has been used. With this statement shall be filed a drawing of the trade-mark, signed by the applicant, or his attorney, and such number of specimens of the trade-mark, as actually used, as may be required by the Commissioner of Patents. Second, by paying into the Treasury of the United States the sum of $10, and otherwise complying with the requirements of this act and such regulations as may be prescribed by the Commissioner of Patents.

SEC. 2. That the application prescribed in the foregoing section, in order to create any right whatever in favor of the party filing it, must be accompanied by a written declaration verified by the applicant, or by a member of the firm or an officer of the corporation or association applying, to the effect that the applicant believes himself or the firm, corporation, or association in whose behalf he makes the application to be the owner of the trade-mark sought to be registered, and that no other person, firm, corporation, or association, to the best of the applicant's knowledge and belief, has the right to such use, either in the identical form or in such near resemblance thereto as might be calculated to deceive; that such trade-mark is used in commerce among the several States, or with foreign nations, or with Indian tribes, and that the description and facsimile presented truly represent the trade-mark sought to be registered. If the applicant resides or is located in a foreign country, the statement required shall, in addition to the foregoing, set forth that the trade-mark has been registered by the applicant, or that an application for the registration thereof has been filed by him in the foreign country in which he resides or is located, and shall give the date of such registration, or the application therefor, as the case may be, except that in the application in such cases it shall not be necessary to state that the mark has been used in commerce with the United States or among the States thereof. The verification required by this section may be made before any person within the United States authorized by law to administer oaths, or, when the applicant resides in a foreign country, before any minister, chargé d'affaires, consul, or commercial agent holding commission under the Government of the United States, or before any notary public, judge, or magistrate having an official seal and authorized to administer oaths in the foreign country in which the applicant may be whose authority shall be proved by a certificate of a diplomatic or consular officer of the United States.

SEC. 3. That every applicant for registration of a trade-mark, or for renewal of registration of a trade-mark, who is not domiciled within the United States, shall, before the issuance of the certificate of registration, as hereinafter provided for, designate, by a notice in writing, filed in the Patent Office, some person residing within the United States on whom process or notice of proceedings affecting the right of ownership of the trade-mark of which such applicant may claim to be the owner, brought under the provisions of this act or under other laws of the United States, may be served, with the same force and effect as if served upon the applicant or registrant in person. For the purpose of this act it shall be deemed sufficient to serve such notice upon such applicant, registrant, or representative by leaving a copy of such process or notice addressed to him at the last address of which the Commissioner of Patents has been notified.

SEC. 4. That an application for registration of a trade-mark filed in this country by any person who has previously regularly filed in any foreign country which, by treaty, convention, or law, affords similar privileges to citizens of the United States an application for registration of the same trade-mark shall be accorded the same force and effect as would be accorded to the same application if filed in this country on the date on which application for registration of the same trade-mark was first filed in such foreign country: *Provided*, That such application is filed in this country within four months from the date on which the application was first filed in such foreign country: *And provided*, That certificate of registration shall not be issued for any mark for registration of which application has been filed by an applicant located in a foreign country until such mark has been actually registered by the applicant in the country in which he is located.

SEC. 5. That no mark by which the goods of the owner of the mark may be distinguished from other goods of the same class shall be refused registration as a trade-mark on account of the nature of such mark unless such mark—

(a) Consists of or comprises immoral or scandalous matter;

(b) Consists of or comprises the flag or coat of arms or other insignia of the United States, or any simulation thereof, or of any State or municipality, or of any foreign nation: *Provided*, That trade-marks which are identical with a registered or known trade-mark owned and in use by another, and appropriated to merchandise of the same descriptive properties, or which so nearly resemble a registered or known trade-mark owned and in use by another, and appropriated to merchandise of the same descriptive properties, as to be likely to cause confusion or mistake in the mind of the public, or to deceive purchasers, shall not be registered: *Provided*, That no mark which consists merely in the name of an individual, firm, corporation, or association, not written, printed, impressed, or woven in some particular or distinctive manner or in association with a portrait of the individual, or merely in words or devices which are descriptive of the goods with which they are used, or of the character or quality of such goods, or merely a geographical name or term, shall be registered under the terms of this act: *Provided further*, That no portrait of a living individual may be registered as a trade-mark, except by the consent of such individual, evidenced by an instrument in writing: *And provided further*, That nothing herein shall prevent the registration of any trade-mark used by the applicant or his predecessors, or by those from whom title to the trade-mark is derived, in commerce with foreign nations or among the several States, or with Indian tribes, which was in actual and lawful use as a trade-mark of the applicant or his predecessors from whom he derived title for ten years prior to the passage of this act.

SEC. 6. That on the filing of an application for registration of a trade-mark which complies with the requirements of this act, and the payment of the fees herein provided for, the Commissioner of Patents shall cause an examination thereof to be made; and if on such examination it shall appear that the applicant is entitled to have his trade-mark registered under the provisions of this act, the Commissioner shall cause the mark to be published at least once in the Official Gazette of the Patent Office. Any person who believes he would be damaged by the registration of a mark may oppose the same by filing notice of opposition, stating the grounds therefor, in the Patent Office within thirty days after the publication of the mark sought to be registered, which said notice of opposition shall be verified by the person filing the same before one of the officers mentioned in section 2 of this act. If no notice of opposition is filed within said time the Commissioner shall issue a certificate of registration therefor, as hereinafter provided for. If on examination an application is refused, the Commissioner shall notify the applicant, giving him his reasons therefor.

SEC. 7. That in all cases where notice of opposition has been filed the Commissioner of Patents shall notify the applicant thereof and the grounds therefor.

Whenever application is made for the registration of a trade-mark which is substantially identical with a trade-mark appropriated to goods of the same descriptive properties, for which a certificate of registration has been previously issued to another, or for registration of which another has previously made application, or which so nearly resembles such trade-mark, or a known trade-mark owned and used by another, as, in the opinion of the Commissioner, to be likely to be mistaken therefor by the public, he may declare that an interference exists as to such trade-mark, and in every case of interference or opposition to registration he shall direct the examiner in charge of interferences to determine the question of the right of registration to such trade-mark, and of the sufficiency of objections to registration, in such manner and upon such notice to those interested as the Commissioner may by rules prescribe.

The Commissioner may refuse to register the mark against the registration of which objection is filed, or may refuse to register both of two interfering marks, or may register the mark, as a trade-mark, for the person first to adopt and use the mark, if otherwise entitled to register the same, unless an appeal is taken, as hereinafter provided for, from his decision, by a party interested in the proceeding, within such time (not less than twenty days) as the Commissioner may prescribe.

SEC. 8. That every applicant for the registration of a trade-mark, or for the renewal of the registration of a trade-mark, which application is refused, or a party to an interference against whom a decision has been rendered, or a party who has filed a notice of opposition as to a trade-mark, may appeal from the decision of the examiner in charge of trade-marks, or the examiner in charge of interferences, as the case may be, to the Commissioner in person, having once paid the fee for such appeal.

SEC. 9. That if an applicant for registration of a trade-mark, or a party to an interference as to a trade-mark, or a party who has filed opposition to the registration of a trade-mark, or party to an application for the cancellation of the registration of a trade-mark, is dissatisfied with the decision of the Commissioner of Patents, he may appeal to the court of appeals of the District of Columbia, on complying with the conditions required in case of an appeal from the decision of the Commissioner by an applicant for patent, or a party to an interference as to an invention, and the same rules of practice and pro-

LEGISLATIVE INTENT SERVICE (800) 666-1917

cedure shall govern in every stage of such proceedings, as far as the same may be applicable.

SEC. 10. That every registered trade-mark, and every mark for the registration of which application has been made, together with the application for registration of the same, shall be assignable in connection with the good will of the business in which the mark is used. Such assignment must be by an instrument in writing and duly acknowledged according to the laws of the country or State in which the same is executed; any such assignment shall be void as against any subsequent purchaser for a valuable consideration, without notice, unless it is recorded in the Patent Office within three months from date thereof. The Commissioner shall keep a record of such assignments.

SEC. 11. That certificates of registration of trade-marks shall be issued in the name of the United States of America, under the seal of the Patent Office, and shall be signed by the Commissioner of Patents, and a record thereof, together with printed copies of the drawing and statement of the applicant, shall be kept in books for that purpose. The certificate shall state the date on which the application for registration was received in the Patent Office. Certificates of registration of trade-marks may be issued to the assignee of the applicant, but the assignment must first be entered of record in the Patent Office.

Written or printed copies of any records, books, papers, or drawings relating to trade-marks belonging to the Patent Office, and of certificates of registration, authenticated by the seal of the Patent Office and certified by the Commissioner thereof, shall be evidence in all cases wherein the originals could be evidence; and any person making application therefor and paying the fee required by law shall have certified copies thereof.

SEC. 12. That a certificate of registration shall remain in force for twenty years, except that in the case of trade-marks previously registered in a foreign country such certificates shall cease to be in force on the day on which the trade-mark ceases to be protected in such foreign country, and shall in no case remain in force more than twenty years, unless renewed. Certificates of registration may be, from time to time, renewed for like periods on payment of the renewal fees required by this act, upon request by the registrant, his legal representatives, or transferees of record in the Patent Office, and such request may be made at any time not more than six months prior to the expiration of the period for which the certificates of registration were issued or renewed. Certificates of registration in force at the date at which this act takes effect shall remain in force for the period for which they were issued, but shall be renewable on the same conditions and for the same periods as certificates issued under the provisions of this act, and when so renewed shall have the same force and effect as certificates issued under this act.

SEC. 13. That whenever any person shall deem himself injured by the registration of a trade-mark in the Patent Office he may at any time apply to the Commissioner of Patents to cancel the registration thereof. The Commissioner shall refer such application to the examiner in charge of interferences, who is empowered to hear and determine this question and who shall give notice thereof to the registrant. If it appear after a hearing before the examiner that the registrant was not entitled to the use of the mark at the date of his application for registration thereof, or that the mark is not used by the registrant, or has been abandoned, and the examiner shall so decide, the Commissioner shall cancel the registration. Appeal may be taken to the Commissioner in person from the decision of examiner of interferences.

SEC. 14. That the following shall be the rates for trade-mark fees:

On filing each original application for registration of a trade-mark, $10: *Provided*, That an application for registration of a trade-mark pending at the date of the passage of this act, and on which certificate of registration shall not have issued at such date, may, at the option of the applicant, be proceeded with and registered under the provisions of this act without the payment of further fee.

On filing each application for renewal of the registration of a trade-mark, $5.

On filing notice of opposition to the registration of a trade-mark, $10.

On an appeal from the examiner in charge of trade-marks to the Commissioner of Patents, $15.

On an appeal from the decision of the examiner in charge of interferences, awarding ownership of a trade-mark or canceling the registration of a trade-mark, to the Commissioner of Patents, $15.

For certified and uncertified copies of certificates of registration and other papers, and for recording transfers and other papers, the same fees as required by law for such copies of patents and for recording assignments and other papers relating to patents.

SEC. 15. That sections 4935 and 4936 of the Revised Statutes, relating to the payment of patent fees and to the repayment of fees paid by mistake, are hereby made applicable to trade-mark fees.

SEC. 16. That the registration of a trade-mark under the provisions of this act shall be prima facie evidence of ownership. Any person who shall, without the consent of the owner thereof, reproduce, counterfeit, copy, or colorably imitate any such trade-mark and affix the same to merchandise of substantially the same descriptive properties as those set forth in the registration, or to labels, signs, prints, packages, wrappers, or receptacles intended to be used upon or in connection with the sale of merchandise of substantially the same descriptive properties as those set forth in such registration, and shall use, or shall have used, such reproduction, counterfeit, copy, or colorable imitation in commerce among the several States, or with a foreign nation, or with the Indian tribes, shall be liable to an action for damages therefor at the suit of the owner thereof; and whenever in any such action a verdict is rendered for the plaintiff, the court may enter judgment therein for any sum above the amount found by the verdict as the actual damages, according to the circumstances of the case, not exceeding three times the amount of such verdict, together with the costs.

SEC. 17. That the circuit and Territorial courts of the United States and the supreme court of the District of Columbia shall have original jurisdiction, and the circuit courts of appeal of the United States and the court of appeals of the District of Columbia shall have appellate jurisdiction of all suits at law or in equity respecting trade-marks registered in accordance with the provisions of this act, arising under the present act, without regard to the amount in controversy.

SEC. 18. That writs of certiorari may be granted by the Supreme Court of the United States for the review of cases arising under this act in the same manner as provided for patent cases by the act creating the circuit court of appeals.

SEC. 19. That the several courts vested with jurisdiction of cases arising under the present act shall have power to grant injunctions, according to the course and principles of equity, to prevent the violation of any right of the owner of a trade-mark registered under this act, on such terms as the court may deem reasonable; and upon a decree being rendered in any such case for wrongful use of a trade-mark the complainant shall be entitled to recover, in addition to the profits to be accounted for by the defendant, the damages the complainant has sustained thereby, and the court shall assess the same or cause the same to be assessed under its direction. The court shall have the same power to increase such damages, in its discretion, as is given by section 16 of this act for increasing damages found by verdict in actions at law; and in assessing profits the plaintiff shall be required to prove defendant's sales only; defendant must prove all elements of cost which are claimed.

SEC. 20. That in any case involving the right to a trade-mark registered in accordance with the provisions of this act, in which the verdict has been found for the plaintiff, or an injunction issued, the court may order that all labels, signs, prints, packages, wrappers, or receptacles in the possession of the defendant, bearing the trade-mark of the plaintiff or complainant, or any reproduction, counterfeit, copy, or colorable imitation thereof, shall be delivered up and destroyed. Any injunction that may be granted upon hearing, after notice to the defendant, to prevent the violation of any right of the owner of a trade-mark registered in accordance with the provisions of this act, by any circuit court of the United States, or by a judge thereof, may be served on the parties against whom such injunction may be granted anywhere in the United States where they may be found, and shall be operative, and may be enforced by proceedings to punish for contempt, or otherwise, by the court by which such injunction was granted, or by any other circuit court, or judge thereof, in the United States, or by the supreme court of the District of Columbia, or a judge thereof. The said courts, or judges thereof, shall have jurisdiction to enforce said injunction, as herein provided, as fully as if the injunction had been granted by the circuit court in which it is sought to be enforced. The clerk of the court or judge granting the injunction shall, when required to do so by the court before which application to enforce said injunction is made, transfer without delay to said court a certified copy of all the papers on which the said injunction was granted that are on file in his office.

SEC. 21. That no action or suit shall be maintained under the provisions of this act in any case when the trade-mark is used in unlawful business, or upon any article injurious in itself, or which mark has been used with the design of deceiving the public in the purchase of merchandise, or has been abandoned, or upon any certificate of registration fraudulently obtained.

SEC. 22. That whenever there are interfering registered trade-marks, any person interested in any one of them may have relief against the interfering registrant, and all persons interested under him, by suit in equity against the said registrant; and the court, on notice to adverse parties and other due proceedings had according to the course of equity, may adjudge and declare either of the registrations void in whole or in part according to the interest of the parties in the trade-mark, and may order the certificate of registration to be delivered up to the Commissioner of Patents for cancellation.

SEC. 23. That nothing in this act shall prevent, lessen, impeach, or avoid any remedy at law or in equity which any party aggrieved by any wrongful use of any trade-mark might have had if the provisions of this act had not been passed.

SEC. 24. That all applications for registration pending in the office of the Commissioner of Patents at the time of the passage of this act may be amended with a view to bringing them, and the certificate issued upon such applications, under its provisions, and the prosecution of such applications may be proceeded with under the provisions of this act.

SEC. 25. That any person who shall procure registration of a trade-mark, or entry thereof, in the office of the Commissioner of Patents by a false or fraudulent declaration or representation, oral or in writing, or by any false means, shall be liable to pay any damages sustained in consequence thereof to the injured party, to be recovered by an action on the case.

SEC. 26. That the Commissioner of Patents is authorized to make rules and regulations, not inconsistent with law, for the conduct of proceedings in reference to the registration of trade-marks provided for by this act.

SEC. 27. That no article of imported merchandise which shall copy or simulate the name of any domestic manufacture, or manufacturer or trader, or of any manufacturer or trader located in any foreign country which, by treaty, convention, or law affords similar privileges to citizens of the United States, or which shall copy or simulate a trade-mark registered in accordance with the provisions of this act, or shall bear a name or mark calculated to induce the public to believe that the article is manufactured in the United States, or that it is manufactured in any foreign country or locality other than the country or locality in which it is in fact manufactured, shall be admitted to entry at any custom-house of the United States; and in order to aid the officers of the customs in enforcing this prohibition any domestic manufacturer or trader, and any foreign manufacturer or trader, who is entitled under the provisions of a treaty, convention, declaration, or agreement between the United States and any foreign country to the advantages afforded by law to citizens of the United States in respect to trade-marks and commercial names, may require his name and residence, and the name of the locality in which his goods are manufactured, and a copy of the certificate of registration of his trade-mark, issued in accordance with the provisions of this act, to be recorded in books which shall be kept for this purpose in the Department of the Treasury under such regulations as the Secretary of the Treasury shall prescribe, and may furnish to the Department facsimiles of his name, the name of the locality in which his goods are manufactured, or of his registered trade-mark; and thereupon the Secretary of the Treasury shall cause one or more copies of the same to be transmitted to each collector or other proper officer of customs.

SEC. 28. That it shall be the duty of the registrant to give notice to the public that a trade-mark is registered, either by affixing thereon the words "Registered in U. S. Patent Office," or abbreviated thus, "Reg. U. S. Pat. Off.," or when, from the character or size of the trade-mark, or from its manner of attachment to the article to which it is appropriated, this can not be done, then by affixing a label containing a like notice to the package or receptacle wherein the article or articles are inclosed; and in any suit for infringement by a party failing so to give notice of registration no damages shall be recovered, except on proof that the defendant was duly notified of infringement, and continued the same after such notice.

SEC. 29. That in construing this act the following rules must be observed, except where the contrary intent is plainly apparent from the context thereof: The United States includes and embraces all territory which is under the jurisdiction and control of the United States. The word "States" includes and embraces the District of Columbia,

LEGISLATIVE INTENT SERVICE (800) 666-1917

the Territories of the United States, and such other territory as shall be under the jurisdiction and control of the United States. The terms "person" and "owner," and any other word or term used to designate the applicant or other entitled to a benefit or privilege or rendered liable under the provisions of this act, include a firm, corporation, or association as well as a natural person. The terms "applicant" and "registrant" embrace the successors and assigns of such applicant or registrant. The term "trade-mark" includes any mark which is entitled to registration under the terms of this act and whether registered or not, and a trade-mark shall be deemed to be "affixed" to an article when it is placed in any manner in or upon either the article itself or the receptacle or package or upon the envelope or other thing in, by, or with which the goods are packed or inclosed or otherwise prepared for sale or distribution.

SEC. 30. That this act shall be in force and take effect upon its passage. All acts and parts of acts inconsistent with this act are hereby repealed except so far as the same may apply to certificates of registration issued under the act of Congress approved March 3, 1881, entitled "An act to authorize the registration of trade-marks and protect the same," or under the act approved August 5, 1882, entitled "An act relating to the registration of trade-marks."

The SPEAKER. The question is on the engrossment and third reading of the bill.

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

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

BRIDGE ACROSS SUNFLOWER RIVER, IN SHARKEY COUNTY, MISS.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 17100) to authorize the construction of a bridge across Sunflower River, in Sharkey County, Miss., which I send to the desk and ask to have read.

The SPEAKER. The gentleman from Mississippi asks unanimous consent for the present consideration of the following bill, which the Clerk will report.

The Clerk read the bill in full.

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

The question is on the engrossment and third reading of the bill.

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

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

USE OF EARTH, STONE, AND TIMBER ON PUBLIC LANDS.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 14710) authorizing the use of earth, stone, and timber on the public lands and forest reserves of the United States in the construction of works under the national irrigation law, which I send to the desk and ask to have read, and as it is upon the Union Calendar, I ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill and that the bill be now considered in the House as in the committee.

The Clerk read as follows:

Be it enacted, etc., That in carrying out the provisions of the national irrigation law, approved June 17, 1902, and in constructing works thereunder, the Secretary of the Interior is hereby authorized to use and to permit the use by those engaged in the construction of works under said law, under rules and regulations to be prescribed by him, such earth, stone, and timber from the public lands and forest reserves of the United States as may be required in the construction of such works.

Mr. CLARK. Mr. Speaker, before unanimous consent is granted, I desire to ask a question or two. This earth, stone, and timber is to be used in public works, is it?

Mr. MONDELL. Yes.

Mr. CLARK. Under the direction of the Secretary of the Interior?

Mr. MONDELL. Yes.

Mr. CLARK. There is not any way for a private citizen to get a private advantage by reason of this, or a corporation?

Mr. MONDELL. Mr. Speaker, the bill provides that contractors on these public works, under the national irrigation act, may use timber, stone, and earth from the public lands and forest reserves in the construction of works, under rules and regulations to be provided by the Secretary of the Interior.

Mr. CLARK. Well, does the Secretary of the Interior recommend the passage of this bill?

Mr. MONDELL. The Secretary of the Interior recommended the passage of this bill in order to facilitate the construction of public works under the national irrigation law. There is some question as to whether the Secretary has the right to authorize the use of this material from the public lands and forest reserves by the officers or employees of the Reclamation Service or contractors in the construction of works, and in order to clear up that question this legislation is asked.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill which the Clerk has read, and that the bill be now considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The question is on the engrossment and third reading of the bill.

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

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

TITLES TO LAND IN MOBILE, ALA.

Mr. TAYLOR. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 14626.

The SPEAKER. The gentleman from Alabama asks unanimous consent for the present consideration of the bill which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 14626) to quiet titles to land in the city of Mobile, State of Alabama.

Be it enacted, etc., That all the right, title, and interest of the United States in and to the lands situate within the limits of the old Spanish town of Mobile, in the State of Alabama, for which no confirmation has heretofore been granted or no survey made by the United States, be, and the same are hereby, granted, released, and relinquished by the United States to the respective owners of the equitable titles thereto and to their respective heirs and assigns forever, as fully and completely, in every respect whatever, as could be done by patents issued therefor according to law: *Provided*, That the confirmations granted hereby shall amount only to a relinquishment of any title that the United States has or is supposed to have in and to any of said lands, and shall not be construed to abridge, impair, injure, prejudice, or divest in any manner any valid right, title, or interest of any person or body corporate whatever, the true intent of this act being to concede and abandon all right, title, and interest of the United States to those persons, estates, firms, or corporations who would be the true and lawful owners of said lands under the laws of Alabama, including the laws of prescription, in the absence of the said interest, title, and estate of the United States.

Mr. DALZELL. Mr. Speaker, reserving the right to object, I would like to have some explanation.

Mr. TAYLOR. What is it?

Mr. DALZELL. I would like to have some explanation of the bill.

Mr. TAYLOR. This bill has been sent to the Secretary of the Interior and has not only his approval but is earnestly recommended by him. It is to quiet land titles in the old Spanish town of Mobile. There is nothing that could possibly be objectionable. An officer of the Department of the Interior has had the matter specially under advisement; he has gone to the city of Mobile and investigated the matter thoroughly, and upon the report of the Secretary of the Interior to the committee requesting its passage, the bill has been reported unanimously by the committee.

The SPEAKER. The request of the gentleman is that the Committee of the Whole House on the state of the Union be discharged from further consideration of this bill and that the bill be considered in the House as in Committee of the Whole. Is there objection? [After a pause.] The Chair hears none.

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

On motion of Mr. TAYLOR, a motion to reconsider the vote by which the bill was passed was laid on the table.

ORDINANCE RELATING TO TAXES IN PURCELL, IND. T.

Mr. STEPHENS of Texas. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 15286, which is on the Speaker's table.

The SPEAKER. The gentleman from Texas asks unanimous consent for the present consideration of the following bill, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 15286) legalizing a certain ordinance of the city of Purcell, Ind. T.

Be it enacted, etc., That ordinance No. 120 of the city of Purcell, Ind. T., the same being an ordinance providing for the assessment, equalization, levy, and collection annually of a tax upon all property subject to taxation within the corporate limits of the city of Purcell, Ind. T., passed and approved on the 6th day of July, 1903, by the council of the said city of Purcell, Ind. T., be, and the same is hereby, legalized and made valid: *Provided*, That this act shall not be construed so as to affect any litigation now pending or arising out of any illegality in said ordinance prior to the date hereof.

The amendment was read, as follows:

And provided further, That nothing herein contained shall apply to the nontaxable property of Indians.

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

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, was accordingly read the third time, and passed.

LEGISLATIVE INTENT SERVICE (800) 666-1917

CONGRESSIONAL RECORD:

CONTAINING

THE PROCEEDINGS AND DEBATES

OF THE

FIFTY-EIGHTH CONGRESS, THIRD SESSION.

VOLUME XXXIX.

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LEGISLATIVE INTENT SERVICE (800) 666-1917

SENATE.

THURSDAY, *January 26, 1905.*

The Senate met at 1 o'clock p. m.

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. SPOONER, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal will stand approved, there being no objection.

JAMES WAH KIA CUS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, inclosing, with related papers, the draft of a proposed bill to authorize the Secretary of the Interior to cancel the trust patent issued to James Wah kia cus for certain lands in the State of Washington on his allotment application No. 5, Vancouver, Wash.; which, with the accompanying papers, was referred to the Committee on Public Lands, and ordered to be printed.

DETAIL OF RETIRED ARMY OFFICERS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 23d instant, a list giving the names of the retired officers who are detailed for service, with their rank, location, and the service for which detailed; which, with the accompanying paper, was referred to the Committee on Military Affairs, and ordered to be printed.

REFUND OF DUTY ON SEED WHEAT.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, recommending the enactment of a law authorizing the Secretary of the Treasury to refund the duty paid on wheat actually used for seed, under rules and regulations prescribed by him; which was referred to the Committee on Finance, and ordered to be printed.

ANNUAL REPORT OF COMMISSIONER OF PATENTS.

The PRESIDENT pro tempore laid before the Senate the annual report of the Commissioner of Patents for the calendar year 1904; which was referred to the Committee on Patents, and ordered to be printed.

CREDENTIALS.

Mr. SMOOT presented the credentials of George Sutherland, chosen by the legislature of the State of Utah a Senator from that State for the term beginning March 4, 1905; which were read, and ordered to be filed.

Mr. MILLARD presented the credentials of ELMER J. BURKETT, chosen by the legislature of the State of Nebraska a Senator from that State for the term beginning March 4, 1905; which were read, and ordered to be filed.

Mr. NELSON presented the credentials of MOSES E. CLAPP, chosen by the legislature of the State of Minnesota a Senator from that State, for the term beginning March 4, 1905; which were read, and ordered to be filed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the joint resolution (S. R. 97) providing for the payment of the expenses of the Senate in the impeachment trial of Charles Swayne.

The message also announced that the House had agreed to the amendments of the Senate to the following bills:

H. R. 2052. An act for the relief of Ramona O. Williams and Joseph A. Springer;

H. R. 12898. An act to create a new division in the eastern judicial district of the State of Missouri; and

H. R. 15477. An act to change the name of Thirteen-and-a-half street to Linworth place.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

H. R. 14757. An act to further provide for Presidential succession; and

H. R. 16799. An act making Texas City, Tex., a subport of entry in the customs collection district of Galveston.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8460) providing for the transfer of forest reserves from the Department of the Interior to the Department of Agriculture.

The message further returned to the Senate, in compliance with its request, the bill (S. 5501) granting an increase of pension to Sarah A. Rowe.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President pro tempore:

H. R. 16450. An act to authorize certain changes in the permanent system of highways, District of Columbia;

H. R. 16570. An act to amend an act entitled "An act to authorize the construction of a bridge across the Tennessee River in Marion County, Tenn.," approved May 20, 1902; and

S. R. 17. Joint resolution to provide for the printing of 8,000 copies of the consolidated reports of the Gettysburg National Park Commission, 1893 to 1904, inclusive.

PETITIONS AND MEMORIALS.

Mr. STONE presented a petition of the Presbyterian Ministerial Association of St. Louis, Mo., praying for an investigation into the conditions existing in the Kongo Free State; which was referred to the Committee on Foreign Relations.

He also presented a petition of sundry citizens of Christian County, Mo., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Indian Territory when admitted to statehood; which was ordered to lie on the table.

He also presented a petition of the board of directors of the Live Stock Exchange of Kansas City, Mo., and a petition of the board of directors of the Cotton Exchange of St. Louis, Mo., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which were referred to the Committee on Interstate Commerce.

He also presented a petition of sundry citizens of Duncan, Ind. T., praying for the enactment of legislation providing for the opening of lands in Comanche County, Okla., giving settlers preference right to purchase; which was referred to the Committee on Public Lands.

Mr. KNOX presented petitions of the Woman's Missionary Society of the Second Presbyterian Church of Wilkinsburg; of Joshua L. Bailey, of Philadelphia; of William L. Bailey, of West Chester; of Sarah L. C. Huyck, of Starrucca, and of H. S. Keck, of Marienville, all in the State of Pennsylvania, praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the Indian Territory when admitted to statehood; which were ordered to lie on the table.

He also presented memorials of the Woman's Christian Temperance Union of Bird in Hand; of the Woman's Christian Temperance Union of the Zion Church of Reading; of the Woman's Christian Temperance Union of the United Brethren Church of Reading; of the Woman's Home Missionary Society of the Christ Methodist Episcopal Church, of Pittsburg; of Henry Wilson Post, No. 129, Department of Pennsylvania, Grand Army of the Republic, of Milton; of the Woman's Christian Temperance Union of Boyertown, and of the congregation of the First Methodist Episcopal Church of Dorranceton, all in the State of Pennsylvania, remonstrating against the repeal of the present anticanteen law; which were referred to the Committee on Military Affairs.

He also presented the petitions of Joseph Howard, of Emporium; of J. G. Schaal, of Pittsburg; of H. B. Mitchell, of Harrisburg; of C. M. Elliott, of Lock Haven; of Herbert Dupuy, of Pittsburg, all in the State of Pennsylvania, and of Bishop Satterlee, of Washington, D. C., praying for the enactment of legislation providing for the opening and improving of Massachusetts and Boundary avenues NW., in the city of Washington, D. C.; which were referred to the Committee on the District of Columbia.

He also presented petitions of the congregation of the Northminster Presbyterian Church, of Philadelphia; A. E. Bacon, of Philadelphia; C. W. Chain, of Philadelphia; Z. M. Briggs, of Philadelphia; Mary Janney, of Philadelphia; J. G. Fuller, of Philadelphia; Thomas Collins, of Philadelphia; W. W. Allen, of Philadelphia; E. L. Burnett, of Philadelphia; J. W. Cochran, of Philadelphia; N. E. Janney, of Philadelphia; J. R. Rushman, of Philadelphia; E. H. Farr, of Philadelphia; W. W. Fiske, of Philadelphia; C. R. Woodruff, of Philadelphia; of the Woman's Home Missionary Society of Christ Methodist Episcopal Church, of Pittsburg; B. F. Kendall, of Marienville; H. W. Lippincott, of Philadelphia; E. W. Lowery, of Philadelphia; J. S. Cox, of Philadelphia; of the Parents' and Teachers' Club of the Heston School, of Philadelphia; Laura E. C. Barney, of Philadelphia; A. B. Hoxie, of Philadelphia; L. K. Johnson, of Philadelphia; of the Lutheran Ministerial Association of Allegheny County, all in the State of Pennsylvania, and the Woman's Republican Club of New York, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a

LEGISLATIVE INTENT SERVICE (800) 666-1917

That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following: "Chief clerk, at $2,000; clerk and stenographer, at $1,400;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 97, and agree to the same with an amendment as follows: Strike out the matter inserted by said Senate amendment and insert in lieu thereof the following: "; one assistant in department of nautical instruments, $1,600;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 98, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$41,040;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 99, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$5,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 107, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$89,660;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 129, and agree to the same with an amendment as follows: Add after the word "dollars," in line 19, page 111 of the bill, the following: "; and all clerks and employees herein provided for the Pension Office who may be detailed and needed in other offices or bureaus of the Department of the Interior shall be estimated for in the Book of Estimates for 1907 in the office or bureau where actually employed;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 132, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$851,950;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 139, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$53,140;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 154, and agree to the same with an amendment as follows: Strike out, in lines 5 and 6 of said amendment, the words "stamped envelopes and newspaper wrappers;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 159, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$211,640;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 166, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$157,960;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 167, and agree to the same with an amendment as follows: In line 3 of said amendment strike out the words "at home and;" and in line 4 strike out the words "domestic and;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 168, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$125,000;" and the Senate agree to the same.

S. M. CULLOM,
F. E. WARREN,
F. M. COCKRELL,
Managers on the part of the Senate.
LUCIUS N. LITTAUER,
LEONIDAS F. LIVINGSTON,
Managers on the part of the House.

The report was agreed to.

Mr. CULLOM. I ask permission to insert in the RECORD a brief report of the results of the conference.

The PRESIDENT pro tempore. The statement will be printed in the RECORD.

The statement referred to is as follows:

LEGISLATIVE BILL, 1906.

Amount as passed House	$28,758,189.84
Increase by Senate	434,872.22
Amount as passed Senate	29,193,062.06
Net reduction made in conference	59,220.00
Amount of bill as agreed to in conference	29,133,842.06

HOUSE BILLS REFERRED.

H. R. 17984. An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1906, and for other purposes, was read twice by its title, and referred to the Committee on Military Affairs.

H. R. 18123. An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1906, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

COMMISSION ON INTERNATIONAL EXCHANGE.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Finance, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith the final report of the Commission on International Exchange, constituted under the authority of the act of March 3, 1903, in compliance with the requests of the Governments of China and Mexico.

The work of the Commission has assisted greatly in the establishment of the new monetary system of the Philippine Islands, Mexico, and the Republic of Panama. The work done in China has, from the letter of the Prince of Ching, the head of the executive, been very helpful to that Government. Such improvements in the monetary systems of the silver-using countries bring them into closer connection with the gold-standard countries and are of very great benefit to the trade of the United States, and every effort should be made to encourage such reforms.

The attention of Congress is invited to the accompanying report of the Acting Secretary of State, whose request for a suitable appropriation for carrying on this valuable work in the manner which seems to him most practicable I heartily indorse and recommend to your favorable consideration.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *January 26, 1905.*

STATEHOOD BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14749) to enable the people of Oklahoma and of the Indian Territory 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 New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States.

Mr. BEVERIDGE obtained the floor.

Mr. KITTREDGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Indiana yield to the Senator from South Dakota?

Mr. BEVERIDGE. Certainly.

REGISTRATION OF TRADE-MARKS.

Mr. KITTREDGE. I ask unanimous consent for the present consideration of the bill (H. R. 16560) to authorize the registration of trade-marks used in commerce with foreign nations or among the several States or with Indian tribes, and to protect the same, and that the unfinished business be temporarily laid aside for that purpose.

Mr. BEVERIDGE. That, I will say, is entirely agreeable to those who are in charge of the unfinished business. The understanding is that the bill called up will provoke no discussion. It ought not, certainly. It is very meritorious.

The PRESIDENT pro tempore. The Senator from South Dakota asks unanimous consent for the consideration of a bill, which will be read to the Senate for its information.

The Secretary proceeded to read the bill.

Mr. TELLER. I should like to know what this bill is. I can not hear.

Mr. BEVERIDGE. A trade-mark bill.

Mr. TELLER. I should like to know what committee it comes from. I should like to know something about the bill. As I can not hear the bill as it is being read, I should like to know who stands back of it, at least.

Mr. KITTREDGE. It comes from the Committee on Patents.

Mr. TELLER. I think we are entitled to hear what it is.

The Secretary resumed and concluded the reading of the bill.

The PRESIDING OFFICER (Mr. PERKINS in the chair). Is there objection to the present consideration of the bill?

Mr. CLAY. Does the Senator from South Dakota desire to place the bill on its passage this evening? The bill embraces twenty-odd pages and thirty sections. It was called up by unanimous consent, and Senators have not had time to examine it. I have been trying to run through it. I have had a dozen letters in regard to this measure. It may have merit; probably it has. I do not know that I have any objection to it.

Mr. MARTIN. The letters were in favor of it?

Mr. CLAY. No; some were not in favor of it. It does strike me that the Senator ought to be willing to let the bill go over for a day or two that we may have time to look into it.

Mr. KITTREDGE. I am entirely willing that the bill shall go over until such time as suits the Senator's convenience, with this proviso: I should like to have the committee amendments acted upon.

LEGISLATIVE INTENT SERVICE (800) 666-1917

Mr. CLAY. I have no objection in the world to that course, but I have not had time to read the bill.

Mr. KITTREDGE. After the amendments have been acted upon I shall have no objection to its going over.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Patents with amendments.

The first amendment was, in section 2, page 3, line 3, after the word "and," to strike out "facsimile" and insert "drawing;" so as to read:

That such trade-mark is used in commerce among the several States, or with foreign nations, or with Indian tribes, and that the description and drawing presented truly represent the trade-mark sought to be registered.

The amendment was agreed to.

The next amendment was, in section 5, page 6, line 12, after the word "any," to strike out the word "trade-mark" and insert "mark;" in line 13, after the word "the," to strike out "trade-mark" and insert "mark;" and in line 16, after the word "actual," to strike out "and lawful;" so as to read:

And provided further, That nothing herein shall prevent the registration of any mark used by the applicant or his predecessors, or by those from whom title to the mark is derived, in commerce with foreign nations or among the several States, or with Indian tribes, which was in actual use as a trade-mark of the applicant or his predecessors from whom he derived title for ten years prior to the passage of this act.

The amendment was agreed to.

The next amendment was, in section 14, page 12, line 13, before the word "dollars," to strike out "five" and insert "ten;" so as to make the paragraph read:

On filing each application for renewal of the registration of a trade-mark, $10.

The amendment was agreed to.

The next amendment was, in section 30, page 20, line 18, after the word "effect," to strike out "upon its passage" and insert "April 1, 1905;" so as to make the section read:

SEC. 30. That this act shall be in force and take effect April 1, 1905. All acts and parts of acts inconsistent with this act are hereby repealed except so far as the same may apply to certificates of registration issued under the act of Congress approved March 3, 1881, entitled "An act to authorize the registration of trade-marks and protect the same," or under the act approved August 5, 1882, entitled "An act relating to the registration of trade-marks."

The amendment was agreed to.

The PRESIDING OFFICER. The amendments proposed by the committee have been agreed to, and without prejudice the bill will go over by request of the Senator from South Dakota [Mr. KITTREDGE].

EXECUTIVE SESSION.

Mr. KEAN. 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 ten minutes spent in executive session the doors were reopened, and (at 4 o'clock and 46 minutes p. m.) the Senate adjourned until to-morrow, Friday, January 27, 1905, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 26, 1905.

POSTMASTERS.

CONNECTICUT.

Frederick A. Smith to be postmaster at Colchester, in the county of New London and State of Connecticut, in place of Frederick A. Smith. Incumbent's commission expired February 2, 1904.

FLORIDA.

W. C. Eddy to be postmaster at De Funiak Springs, in the county of Walton and State of Florida, in place of John Astleford. Incumbent's commission expires February 11, 1905.

Alexander Zipperer to be postmaster at Madison, in the county of Madison and State of Florida, in place of Alexander Zipperer. Incumbent's commission expired January 17, 1904.

GEORGIA.

Thomas Quinney to be postmaster at Waynesboro, in the county of Burke and State of Georgia, in place of Thomas Quinney. Incumbent's commission expires February 22, 1905.

ILLINOIS.

George W. Hesser to be postmaster at Illiopolis, in the county of Sangamon and State of Illinois. Office became Presidential July 1, 1904.

IOWA.

William D. Jacobsen to be postmaster at Lyons, in the county of Clinton and State of Iowa, in place of William D. Jacobsen. Incumbent's commission expired December 13, 1903.

James F. Jordan to be postmaster at Valley Junction, in the county of Polk and State of Iowa, in place of James F. Jordan. Incumbent's commission expires February 4, 1905.

Philip M. Mosher to be postmaster at Riceville, in the county of Mitchell and State of Iowa, in place of Philip M. Mosher. Incumbent's commission expires February 4, 1905.

Oswell Z. Wellman to be postmaster at Arlington, in the county of Fayette and State of Iowa, in place of Oswell Z. Wellman. Incumbent's commission expires February 4, 1905.

LOUISIANA.

Jacob Plonsky to be postmaster at Washington, in the parish of St. Landry and State of Louisiana. Office became Presidential January 1, 1905.

MAINE.

Charles E. Atwood to be postmaster at Biddeford, in the county of York and State of Maine, in place of Elisha E. Clark, deceased.

MINNESOTA.

James A. Martin to be postmaster at St. Cloud, in the county of Stearns and State of Minnesota, in place of Harvey G. Wire, removed.

MISSISSIPPI.

Felicie L. Delmas to be postmaster at Scranton, in the county of Jackson and State of Mississippi, in place of Felicie L. Delmas. Incumbent's commission expired January 16, 1905.

Andrew J. Hyde to be postmaster at Meridian, in the county of Lauderdale and State of Mississippi, in place of Andrew J. Hyde. Incumbent's commission expired December 13, 1903.

MONTANA.

Albert Pfaus to be postmaster at Lewistown, in the county of Fergus and State of Montana, in place of Alfred J. Stephens, removed.

NEW YORK.

Arthur B. Burrows to be postmaster at Andover, in the county of Allegany and State of New York, in place of William B. Bundy. Incumbent's commission expired January 16, 1905.

Ebenezer Evans to be postmaster at Waterville, in the county of Oneida and State of New York, in place of Ebenezer Evans. Incumbent's commission expired March 20, 1904.

David L. Jamieson to be postmaster at New York Mills, in the county of Oneida and State of New York, in place of David L. Jamieson. Incumbent's commission expires January 31, 1905.

Marion O. Martin to be postmaster at Honeoye Falls, in the county of Monroe and State of New York, in place of Marion O. Martin. Incumbent's commission expires February 4, 1905.

P. S. Spaulding to be postmaster at Whitesboro, in the county of Oneida and State of New York, in place of Charles E. Smith. Incumbent's commission expired May 28, 1904.

Joseph F. Stephens to be postmaster at Highland Falls, in the county of Orange and State of New York, in place of Joseph F. Stephens. Incumbent's commission expires February 4, 1905.

NORTH CAROLINA.

Bernard W. Leavitt to be postmaster at Southern Pines, in the county of Moore and State of North Carolina, in place of Asaph M. Clarke. Incumbent's commission expires February 7, 1905.

Charles A. Reynolds to be postmaster at Winston-Salem, in the county of Forsyth and State of North Carolina, in place of Charles A. Reynolds. Incumbent's commission expires February 7, 1905.

NORTH DAKOTA.

Willis H. Rogers to be postmaster at Hunter, in the county of Cass and State of North Dakota. Office became Presidential January 1, 1905.

OREGON.

Homer C. Atwell to be postmaster at Forest Grove, in the county of Washington and State of Oregon, in place of Homer C. Atwell. Incumbent's commission expired December 20, 1904.

Charles J. Howard to be postmaster at Cottage Grove, in the county of Lane and State of Oregon, in place of Charles J. Howard. Incumbent's commission expires February 4, 1905.

PENNSYLVANIA.

Samuel P. Arnold to be postmaster at Curwensville, in the county of Clearfield and State of Pennsylvania, in place of Reginald H. Brainard. Incumbent's commission expires February 8, 1905.

Zacharias A. Bowman to be postmaster at Annville, in the county of Lebanon and State of Pennsylvania, in place of Zacharias A. Bowman. Incumbent's commission expires February 8, 1905.

E. M. Frye to be postmaster at Monessen, in the county of Westmoreland and State of Pennsylvania, in place of Charles M. Derickson. Incumbent's commission expires January 31, 1905.

Henry G. Moyer to be postmaster at Perkasie, in the county

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