

Mr. BEVERIDGE. Let them be inserted as perfecting the amendment.

Mr. LA FOLLETTE. I very cheerfully accept them.

The PRESIDING OFFICER. The Secretary will report the substitute as it will read if amended according to the suggestion of the Senator from Idaho.

The Secretary read as follows:

Provided, That telegraph and telephone companies, except wireless, transacting an interstate business—

And so forth.

Mr. ELKINS. So far as I am concerned, I would be willing to accept the substitute.

Mr. KEAN. Why do you want to except the wireless companies?

Mr. HEYBURN. I think there are very excellent reasons for excepting wireless companies from the provisions of the substitute.

Mr. KEAN. How about air ships?

Mr. BEVERIDGE. That puts it in conference.

Mr. HEYBURN. It has been excepted.

The PRESIDING OFFICER. The Senator from Wisconsin has modified his substitute as indicated, and the question is on agreeing to the substitute as modified.

The substitute as modified was agreed to.

The amendment as amended was agreed to.

Mr. BROWN. I wish to offer an amendment.

Mr. ELKINS. I have a committee amendment in which the Senator from Washington is very much interested. It will take but a moment.

The PRESIDING OFFICER. The Senator from Nebraska has been recognized.

Mr. BROWN. I yield to the Senator from West Virginia.

Mr. ELKINS. Some two weeks ago an amendment came in on page 19, line 17, after the word "line," to insert "and no reasonable or satisfactory through route by rail and water exists;" and then there was a further amendment by the Senator from California.

The PRESIDING OFFICER. Will the Senator from West Virginia send his amendment to the desk?

Mr. ELKINS. Yes.

The PRESIDING OFFICER. The amendment submitted by the Senator from West Virginia will be reported.

The SECRETARY. On page 19 of the bill, in line 17, after the word "line," insert:

And when no reasonable or satisfactory through route by rail and water exists.

Mr. BRISTOW. The amendment will precipitate a discussion that will last for twenty-four hours. If the Senator from West Virginia wants to finish the bill this evening, he had better withdraw it.

Mr. ELKINS. I withdraw it.

The PRESIDING OFFICER. The Senator from West Virginia withdraws his amendment.

Mr. BRISTOW. It ought to have been proposed here six weeks ago.

Mr. BEVERIDGE. The amendment has been withdrawn.

The PRESIDING OFFICER. It has been withdrawn.

Mr. BROWN. I offer the amendment I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed, at the proper place, to insert:

SEC. —. That no railroad corporation which is a common carrier subject to the act to regulate commerce approved February 4, 1887, as amended, shall hereafter acquire, directly or indirectly, any interest of whatsoever kind in the capital stock, or purchase or lease the railroad, of any railroad corporation owning or operating a line of railroad which is directly and substantially competitive with that of such first-named corporation respecting business to which said act to regulate commerce, as amended, applies; and any corporation which acquires any interest in capital stock, or which purchases or leases a railroad contrary to this section, or which holds or retains any interest in capital stock or in a railroad hereafter acquired in violation of this section, shall be fined \$5,000 for each day or part of day during which it holds or retains such interest unlawfully acquired.

Mr. BROWN. Mr. President, I do not care to debate the amendment. It speaks for itself. It presents a question that has been discussed by the Senate at great length. I would simply suggest that it never has been considered justifiable by anybody for a railroad company to own stock in another competing railroad company. This specific proposition is advocated and recommended by the President, especially and in particularity as it is written in this amendment, in a special message. I hope the amendment will be adopted, and on the question I call for the yeas and nays.

Mr. CUMMINS. Mr. President, I move to strike out of the amendment the words "directly and substantially."

Mr. BROWN. I accept that suggestion.

Mr. CUMMINS. We have already debated that to some extent. I think the Senate fully understands the general application of those words. I therefore will not consume the time of the Senate.

Mr. BROWN. I am glad to accept the suggestion.

The PRESIDING OFFICER. The Senator from Nebraska modifies his amendment by striking out the words "directly and substantially."

Mr. KEAN. May I ask the Senator from Nebraska a question? Is not this a part of section 12, which was stricken out of the bill?

Mr. BROWN. It is not a part of section 12. It is a new section.

Mr. KEAN. Is it entirely new language?

Mr. BROWN. The same language may be used; the same word is used when we talk about competing lines; the holding of stock in another company is in the same language; but it is not the same section or any part of it.

Mr. KEAN. But practically the same words are used that were used in section 12.

Mr. BROWN. Substantially the same words.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Nebraska as modified, on which he demands the yeas and nays.

Mr. BACON. Mr. President, we want to know what it is. We can not tell in this way. I think it is scarcely fair—

Mr. ELKINS. Let the amendment be read as modified.

Mr. BACON. I was going to say I think it is scarcely fair that we should be called upon to vote on most important matters without an opportunity to know what they are. After all the time we have spent here, I do not think amendments ought now to be offered, and that we should be expected to vote on them without having them printed. I can only gather knowledge of the amendment very imperfectly. I gather more accurately knowledge of its contents from the result of the inquiry made by the Senator from New Jersey [Mr. KEAN]. I understand, from his inquiry and from the response of the Senator from Nebraska, that it is a part of section 12, which we have already taken out of the bill practically by a unanimous vote of the Senate. I do not know how much of section 12 that is. I was very much opposed to section 12. The motion to take it out was made by the senior Senator from Minnesota [Mr. NELSON], and the Senate voted with practical unanimity to take out section 12. Now, without any opportunity to know how much of section 12 is involved in this amendment, the Senator from Nebraska desires that we shall be required to vote upon it. If it is right, I want to vote for it; if it is wrong, I want to vote against it. I am not able to say which it is, and I do not think we ought to be put in such a position.

Therefore, Mr. President, I move that the Senate do now adjourn.

The motion was agreed to; there being, on a division—ayes 31, noes 21; and (at 5 o'clock and 5 minutes p. m.) the Senate adjourned until to-morrow, Saturday, May 28, 1910, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

FRIDAY, May 27, 1910.

The House met at 11 o'clock a. m.

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

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

Mr. LOUDENSLAGER, from the Committee on Pensions, submitted the following conference report on the bill (S. 5237) granting pensions to certain soldiers and sailors of wars other than the civil war, and to certain widows and dependent relatives of such soldiers and sailors, for printing under the rule:

The conference report (No. 1413) and statement are as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill S. 5237, having met, after full and free conference have agreed to rec-

ommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, on page 2, line 22, down to and including line 2, on page 3; and agree to the same.

H. C. LOUDENSLAGER,
WM. H. DRAPER,
WILLIAM RICHARDSON,
Managers on the part of the House.

REED SMOOT,
CHARLES CURTIS,
ROBT. L. TAYLOR,
Managers on the part of the Senate.

STATEMENT.

Statement to accompany report of committee of conference on disagreeing vote of the two Houses on S. 5237:

This bill as it originally passed the Senate contained provisions granting pensions and increase of pensions to certain soldiers and sailors of wars other than the civil war and to certain dependent relatives of such soldiers and sailors, and was passed by the House with amendment. This amendment was disagreed to by the Senate and a conference held. After full conference the conferees agreed as follows:

The Senate recedes from its disagreement to the amendment of the House, on page 2, line 22, down to and including line 2, on page 3, and agree to the same.

H. C. LOUDENSLAGER,
WM. H. DRAPER,
WILLIAM RICHARDSON,
Managers on the part of the House.

Mr. LOUDENSLAGER also submitted the following conference report, for printing under the rule, on the bill (S. 5573) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and wars other than the civil war, and to certain widows of such soldiers and sailors.

The conference report (No. 1414) and statement are as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill S. 5573, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House on page 2, striking out line 10 down to and including line 21, and agree to the same.

H. C. LOUDENSLAGER,
WM. H. DRAPER,
WILLIAM RICHARDSON,
Managers on the part of the House.

REED SMOOT,
CHARLES CURTIS,
ROBT. L. TAYLOR,
Managers on the part of the Senate.

STATEMENT.

Statement to accompany report of committee of conference on disagreeing vote of the two Houses on S. 5573:

This bill as it originally passed the Senate contained provisions granting pensions and increase of pensions to certain soldiers and sailors of wars other than the civil war, and to certain dependent relatives of such soldiers and sailors, and was passed by the House with amendments. These amendments were disagreed to by the Senate and a conference held. After full conference, the conferees agreed as follows:

That the Senate recede from its disagreement to the amendment of the House, on page 2, lines 10 to 12, inclusive, and agree to the same.

That the Senate recede from its disagreement to the amendment of the House, on page 2, lines 13 to 16, inclusive, and agree to the same.

That the Senate recede from its disagreement to the amendment of the House, on page 2, lines 17 to 21, inclusive, and agree to the same.

H. C. LOUDENSLAGER,
WM. H. DRAPER,
WILLIAM RICHARDSON,
Managers on the part of the House.

Mr. LOUDENSLAGER also submitted, for printing under the rule, conference report on the bill (S. 6272) granting pen-

sions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and wars other than the civil war, and to certain widows and dependent relatives of such soldiers and sailors.

The conference report (No. 1415) and statement are as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill S. 6272, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment on page 3, line 7. That the Senate recede from its disagreement to the amendments of the House on page 2, lines 20 to 25, inclusive; and agree to the same.

H. C. LOUDENSLAGER,
WM. H. DRAPER,
WILLIAM RICHARDSON,
Managers on the part of the House.

REED SMOOT,
CHARLES CURTIS,
ROBT. L. TAYLOR,
Managers on the part of the Senate.

STATEMENT.

Statement to accompany report of committee on conference on disagreeing vote of the two Houses on S. 6272:

This bill as it originally passed the Senate contained provisions granting pensions and increase of pensions to certain soldiers and sailors of wars other than the civil war and to certain dependent relatives of such soldiers and sailors, and was passed by the House with amendments. These amendments were disagreed to by the Senate and a conference held. After full conference the conferees agreed as follows:

That the Senate recede from its disagreement to the amendment of the House on page 2, lines 20 to 25, inclusive; and agree to the same.

That the House recede from its amendment to the bill on page 3, line 7.

H. C. LOUDENSLAGER,
WM. H. DRAPER,
WILLIAM RICHARDSON,
Managers on the part of the House.

PENSION BILLS.

Mr. SULLOWAY. Mr. Speaker, I ask unanimous consent that bills on the Private Calendar in order to-day may be considered in the House as in Committee of the Whole.

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I will ask the gentleman from New Hampshire if he will not limit his request to bills reported from the Committee on Pensions and the Committee on Invalid Pensions.

Mr. SULLOWAY. I have no objection to that.

The SPEAKER. The gentleman from New Hampshire modifies his request so that it is limited to bills reported from the Committee on Pensions and the Committee on Invalid Pensions. Is there objection?

There was no objection.

The first business was the bill (H. R. 26187) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors.

The Clerk read the bill, 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 Solomon L. Motsinger, late of Company H, Eighty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of George W. Ruble, late of Company K, Fifty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of George W. Kelley, late of Company F, Ninth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Edward Bretz, late of Company I, One hundred and seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Andrew J. Young, late of Company I, Forty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Hezekiah B. Smith, Jr., late first Lieutenant, First Independent Battery Connecticut Volunteer Light Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of William C. M. Bishop, late of Company E, Fifteenth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Eliza Isele, widow of Leonard Isele, late of Company G, Thirty-ninth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$12 per month, and \$2 per month additional on account of a minor child of said soldier until such child shall arrive at the age of 16 years.

The name of Terrence McDuff, late of Company F, Third Battalion, Fifteenth Regiment United States Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John Weaver, late of Company A, Thirty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Peter G. Keely, late of Company I, Eighth Regiment Indiana Volunteer Cavalry, and Company K, Eleventh Regiment Veteran Reserve Corps, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John A. Stephens, late of Company G, Twenty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of William Beck, late of Company B, Twenty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James H. Stone, late of U. S. S. Black Hawk, United States Navy, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Robert T. Wright, late of Company B, Sixty-sixth Regiment, and Company A, One hundred and forty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Falkland H. Williams, late of Company A, Thirty-first Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Martha E. Arnold, former widow of Henry S. Gleason, late of Company F, Fifty-eighth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of Joseph Morehead, late of Company F, Seventy-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William W. Miles, late of Company G, One hundred and forty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Noah L. Payne, late of Company A, Fourteenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Marshall Caldwell, late of Company F, Fourteenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of William R. Pinson, late of Company E, Thirty-ninth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Fannie Wilson, dependent mother of Henry Wilson, late of Company F, Twelfth Regiment United States Colored Heavy Artillery, and pay her a pension at the rate of \$12 per month.

The name of John La More, late of Company A, Twenty-seventh Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Wilson D. Monnett, late of Company H, One hundred and thirty-second Regiment, and Company B, One hundred and forty-eighth Regiment, Indiana Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Samuel J. Little, late of Company A, Sixty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of William A. Drew, late of Company E, Forty-second Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Charles M. Rome, alias Carl More, late of Company E, Fourth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Granville Riley, late of Company B, Forty-seventh Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Jefferson Colwell, late of Company F, Forty-ninth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William T. Belk, late of Company G, Third Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of James Smith, late of Company A, One hundred and fourteenth United States Colored Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Thomas Price, late of Company K, Thirtieth Regiment Kentucky Volunteer Mounted Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of William B. McEldon, alias William C. Barclay, late of Company G, Twenty-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Julia E. Stearnes, widow of William L. Stearnes, late of Company B, Thirty-fourth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of James B. Hutchings, late of Company B, First Regiment Tennessee Volunteer Mounted Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Joseph J. Schafer, late of Company G, Sixty-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Martin Parker, late of Company H, Eleventh Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Thomas J. Beebe, late captain Company H, Fifteenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Martin Corbin, late of Company H, Sixth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of James H. McGinty, late of Company G, Twenty-third Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of \$12 per month.

The name of Richard H. Powell, late of Company E, Forty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Ira B. Cole, late of Company I, One hundred and seventy-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Isaac N. Cravens, late of Company C, Second Regiment Ohio Volunteer Heavy Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Henry Howard, late of Company A, One hundred and eighteenth Regiment Ohio Volunteer Infantry, and Two hundred and forty-fourth Company, First Battalion, Veteran Reserve Corps, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Samuel Edwards, late of Company I, Twenty-fourth Regiment Missouri Volunteer Infantry, and Company I, Second Regiment Misouri Volunteer Light Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William Gordon, late of Company M, Seventh Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Wiley Collett, late of Company B, Forty-seventh Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Edward Coppers, late of the U. S. S. North Carolina and J. C. Kuhn, United States Navy, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of George H. Dean, alias James Grampson, late of Company C, First Regiment New Orleans (La.) Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Abram T. Gamage, late of Company E, Fourth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Hannah Fancher, widow of Erwin Fancher, late of Company E, One hundred and twenty-third Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of Henry Christman, late of Company I, Thirty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Henry Peaks, late of Company B, Sixth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Letitia Hurst, former widow of Thomas J. Lee, late of Company D, Fifty-ninth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of Theodore Birkhauser, late of Company E, Eighty-second Regiment Illinois Volunteer Infantry, and One hundred and twenty-ninth Company, Second Battalion Veteran Reserve Corps, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of William Bunnell, late of Company D, Thirty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Elijah L. Shipley, late of Company K, One hundred and twelfth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Barton Moore, late of Company B, Forty-ninth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Charles H. Porter, alias Charles Gary, late of Company F, Second Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Earl Vandegriff, late of Company H, Twenty-second Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John Morrison, late of the U. S. S. Great Western, Osage, and Meteor, United States Navy, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John N. Ellis, late of Company D, Sixty-third Regiment, and Company H, One hundred and twenty-eighth Regiment, Indiana Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Robert B. Craig, late of Company G, Thirty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of John Davis, late of the U. S. S. William Bacon, United States Navy, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Benjamin F. Freeman, late of Company B, First Regiment Alabama Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Samuel Noble, late of Company H, Sixth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of H. Adelbert Penfield, late of Company F, Second Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Susan S. Poorman, widow of William H. Poorman, late of Company C, Eighty-eighth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of Isaac Place, late of Company K, One hundred and twenty-eighth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Calvin Tobias, late of Company O, Twenty-eighth Regiment, and Company B, One hundred and forty-seventh Regiment, Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Horace W. Brown, late of Company E, Ninth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Lemuel D. Dobbs, late of Company K, Eleventh Regiment Pennsylvania Reserve Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John T. Rader, late of Company G, Forty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Rodney D. Rightmire, late of Company B, Ninety-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William T. Kinsey, late of Company K, and principal musician, Forty-fourth Regiment, Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William R. Clark, late of Company C, Ninth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of James M. Clayton, late of Company F, Sixth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of William H. Thompson, late of Company G, First Regiment Missouri Volunteer Engineers, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Andrew T. Bitters, late of Companies C and D, First Regiment Mississippi Marine Brigade Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John J. Carroll, late of Second Independent Battery, Massachusetts Volunteer Light Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Jennie K. Reeves, widow of Charles W. Reeves, late second Lieutenant Company D, Sixty-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of James G. Orem, late of Company B, One hundred and fortieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of William T. Soward, late of Company I, One hundred and tenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Alfred H. Bash, late of Company F, Nineteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of George W. Daniels, late of Company I, Sixth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John A. Haggerty, late of Company K, One hundred and sixteenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Jasper Keath, late of Company F, Twelfth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William J. Reed, late of Company A, First Regiment Arkansas Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Ignatius Wauker, late of Company B, Eighteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John Brin, late of Company G, First Battalion Minnesota Volunteer Infantry, and pay him a pension at the rate of \$16 per month in lieu of that he is now receiving.

The name of Daniel McCarl, late of Company H, Twenty-eighth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Frank L. Johnson, late of Company A, One hundred and eighty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of James M. Smith, late of Company H, Fourth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of William Crom, late of Company B, One hundred and forty-fourth Regiment Ohio National Guard Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of William T. Clark, late of Company F, Sixty-fifth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of George Mudgett, late of Company G, Tenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Nedem J. Bryant, late of Company C, Seventh Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Howland P. Kneeland, late of Company I, Thirteenth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of William Simpson, late of Second Independent Battery Kansas Volunteer Light Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Lorenzo Emmons, late of Company E, Forty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Richard Deven, late of Company B, Thirtieth Regiment Kentucky Volunteer Mounted Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Swain S. Albright, late of Company D, Sixty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Winfield S. Douglass, late of Company D, Eighty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Albert F. Nelson, late of Company C, Tenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Charles E. Wolverton, late of Company H, Seventieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Greenville Rose, late of Company D, Ninety-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Wallace H. Cooley, late of Company I, Twenty-fifth Regiment Ohio Volunteer Infantry, and Company G, Sixth Regiment Veteran Reserve Corps, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Charles E. Bartholomew, late of Company A, Ninety-first Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Lawyer M. Bickmore, late of Company B, One hundred and fifty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Julia A. Hayden, former widow of James Forbes, late of Company A, Twelfth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of George W. Rogers, late of Company H, Third Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Janet F. Sparrow, widow of David De Lancy Sparrow, alias David De Lancy, late of Company K, Sixth Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of \$24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Jessie Sparrow, helpless and dependent daughter of said David De Lancy Sparrow, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Janet F. Sparrow, the name of said Jessie Sparrow shall be placed on the pension roll, subject to the provisions and limitations of

the pension laws, at the rate of \$12 per month from and after the date of death of said Janet F. Sparrow.

The name of Charles W. Leavitt, late of Company G, Twelfth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of William D. Young, late of Company H, Tenth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The name of James C. Porter, helpless and dependent child of James M. Porter, late second Lieutenant Company H, Second Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$12 per month.

The name of William E. Gould, late acting master's mate, United States Navy, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Ida M. Keene, widow of Milton M. Keene, late of Company D, First Regiment New York Volunteer Light Artillery, and pay her a pension at the rate of \$12 per month, and \$2 per month additional on account of each of the two minor children of said soldier until such children shall arrive at the age of 16 years.

The name of Shumway Conant, late of Company A, Tenth Regiment Wisconsin Volunteer Infantry, and One hundred and forty-eighth Company, Second Battalion, Veteran Reserve Corps, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Levi Rothenberger, late of Company H, Two hundred and fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Edward Burdette, late of Company F, Sixty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Andrew J. Anderson, helpless and dependent child of Nels Anderson, late first Lieutenant Company D, Forty-seventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$12 per month.

The name of George W. Roberts, late of Company C, Eighth Regiment Tennessee Volunteer Mounted Infantry, and pay him a pension at the rate of \$15 per month, the same to be paid to him under the rules of the Pension Bureau as to mode and times of payment without any deduction or rebate on account of former alleged overpayments or erroneous payments of pension.

The name of William H. Baker, late of Company D, Seventeenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of George W. Custer, late of Company L, Fifth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Thomas Adoniram Carr, late of Company I, Seventh Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of George W. Greiling, late of Company G, Twenty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Matilda A. Palmer, former widow of Robert Calvert, late of Company D, Forty-second Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of Francis J. Seifert, late of Company F, First Regiment Eastern Shore Maryland Volunteer Infantry, and Company G, Eleventh Regiment Maryland Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Frederick A. Hanover, late of Company H, Fifty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Hiram A. Crutchfield, late of Company C, First Regiment East Tennessee Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of George Thayer, late second Lieutenant Company G, Second Regiment New York Volunteer Mounted Rifles, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Simon Paul, late of Company F, Fifth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Elise Studer, widow of August Studer, late of Company A, Fifteenth Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of Edgar Parks, helpless and dependent child of Felix M. Parks, late of Company D, One hundred and tenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$12 per month.

The name of Joseph C. Fowler, late of Company F, Ninety-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Lemuel Runyan, late of Company C, One hundred and twenty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of William K. Dunlap, late of Company H, Seventy-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Charles Wyman, late of Company K, One hundred and eleventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Harmon Myer, late of Company K, Thirty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Jerome B. Eldred, late of Company H, Thirtieth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Charles H. Scribner, helpless and dependent child of Oscar A. Scribner, late of Company I, Sixth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of \$12 per month.

The name of Otto Kuehn, late acting assistant surgeon and contract surgeon, United States Army, and pay him a pension at the rate of \$20 per month.

The name of Samuel B. Lightcap, late of Company C, Fourteenth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Caroline Crawley, widow of Patrick William Crawley, late of Company A, Thirteenth Regiment New York Volunteer Cavalry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Harvey B. Perkins, late of Company A, Second Regiment Connecticut Volunteer Heavy Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James H. Hendricks, late of Company G, Third Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Harry W. Lewis, late of Troop G, Sixth Regiment United States Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Nathaniel Welch, late of Company A, Eighty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Louisa Augert, widow of John Augert, late of Company F, One hundred and eighth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Joseph L. Thomas, late of Company G, One hundred and eighty-fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Hugh M. McClellan, late of Company E, Sixteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Hiram Harding, late of Company C, Ninth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Alonzo S. Gear, late captain and assistant quartermaster, United States Volunteers, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John W. Jones, late of Company E, Seventh Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James L. Denman, late of Company B, Seventh Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Martin Reding, late of Company F, Eleventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Edward A. Cassilly, late of Company A, Sixteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James B. Kelley, late of Company D, One hundred and fifteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of William H. Tyrrell, late of Companies K and C, One hundred and sixteenth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of James F. Cooper, late lieutenant-colonel Fifty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John H. Bentz, late of Company H, Fifteenth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Thomas M. Mozingo, late of Company E, Seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of John D. Lovett, late of Company I, First Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Norman B. Galbraith, late of Company B, Second Battalion Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John F. Amment, late of Company H, Sixty-third Regiment, and Company H, One hundred and fifth Regiment, Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Benjamin F. Zarracher, late second lieutenant Company H, Twenty-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Abraham Eike, late of Company I, One hundred and forty-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Gustav Hackman, late of Company K, Fifteenth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Pedar Moller, late of U. S. S. Ohio and Sacramento, United States Navy, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James Sanderson, late of Company H, Seventy-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of William E. Hawkins, late of Company B, Twenty-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Sarepta Dowler, widow of John Dowler, late of Company F, One hundred and fifty-fifth Regiment Ohio National Guard Infantry, and pay her a pension at the rate of \$24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Edward Dowler, helpless and dependent son of said John Dowler, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Sarepta Dowler the name of said Edward Dowler shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of \$12 per month from and after the date of death of said Sarepta Dowler.

The name of Alice M. Reilly, widow of Frank W. Reilly, late surgeon Twenty-sixth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Edward Stidd, late of Company B, One hundred and fifty-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$10 per month in lieu of that he is now receiving.

The name of Henry Peckham, late first lieutenant Company A, Thirty-fifth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Simon Degruff, late of Company B, One hundred and sixty-sixth Regiment Ohio National Guard Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Henry R. Miller, late of Company B, Second Regiment Pennsylvania Volunteer Cavalry, and Company B, First Regiment Pennsylvania Provisional Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Abram Simon, late of Company L, Twenty-fifth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Charles Lout, late of Company K, Forty-fifth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Alman A. Redheffer, late of Company I, Eighty-second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Seth M. Lovell, late of Company A, One hundred and forty-first Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Jonathan Lundy, late of Company E, Forty-third Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John Dearolph, late of Company A, Ninety-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The name of Edward A. Dewey, late of Company G, Thirty-first Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of David J. M. Houghton, late of Company B, Seventeenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Mary Snyder, widow of John D. Snyder, late of Company I, One hundred and thirteenth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Charles R. Hallman, alias Henderson, late of Company A, Furnell's Legion, Maryland Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Cicero Williamson, late of Company H, One hundred and thirteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of James P. Hardin, late of Company B, Sixth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Hiram Smith, late of Company B, Seventh Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of George W. Wilson, late of Company F, One hundred and thirty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of David D. Bailey, late captain Company B, Fifty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Daniel Van Blarcom, late of Company B, Twenty-second Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of William A. Moulton, late of Company D, Eighteenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Stephen Brock, late of Fifteenth Battery Massachusetts Volunteer Light Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Nelson T. Saunders, late quartermaster-sergeant, Sixty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of William E. McLavoy, late of Company E, Ninth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Frederick J. Wagner, late of Company B, Second Battalion, Sixteenth Regiment United States Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Emma E. Rockwell, widow of Edwin Rockwell, late of Company A, Fourth Regiment New York Volunteer Heavy Artillery, and pay her a pension at the rate of \$12 per month.

The name of John M. Peters, late of Company D, Fourth Regiment, and second lieutenant Company G, Fortieth Regiment, New Jersey Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Oliver S. Guthrie, late of Company G, One hundred and eighty-sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John B. Mason, late of Company A, Twelfth Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Mary Cahill, widow of Thomas Cahill, late of Company H, Fourth Regiment United States Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Bessie Weygant, helpless and dependent child of Charles H. Weygant, late Lieutenant-colonel One hundred and twenty-fourth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of William Rowe, late of Company G, First Regiment Indiana Volunteer Heavy Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Henry C. Dunn, late first lieutenant Company H, Tenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Hugh Stevens, late of Company D, Thirty-third Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Ellen A. Libbey, former widow of Richard A. Lawford, late of Company D, One hundred and fifty-seventh Regiment, and Company A, One hundred and ninety-first Regiment, Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of John T. Lamb, late of Company K, Sixth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Augustus A. Law, late of the U. S. S. North Carolina and *Release*, United States Navy, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Thomas Wickens, late of Company E, Twenty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Austin Warner, late of Company G, Eighteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of George W. Hammel, late of Eighteenth Battery Indiana Volunteer Light Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Nelson Davis, late of Company I, Sixty-second Regiment Ohio Volunteer Infantry, and Seventh Independent Battery, New York Volunteer Light Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Thomas H. Scott, late of Battery G, Pennsylvania Volunteer Light Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of William D. Kane, late of Company G, One hundred and fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William M. Doss, late of Company M, Seventh Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Riley Holmes, late of Company G, Sixth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John H. Greenfield, late of Company C, One hundred and twenty-fourth Regiment Pennsylvania Volunteer Infantry, and Company A, Twenty-ninth Regiment Pennsylvania Militia Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Andrew Braden, late of Company B, Two hundred and eleventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Joseph S. Rimmer, late of Company E, Fourth Regiment United States Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Jennie S. Havens, widow of Edward N. Havens, late of Company F, Sixteenth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of Charles W. Morrill, late saddler sergeant Third Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Harriett A. Henry, widow of George W. Henry, late of Company F, One hundred and second Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of William P. Peirce, late assistant surgeon Thirty-sixth Regiment, and surgeon Eighty-eighth Regiment, Illinois Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Lewis L. Smith, late of Battery B, First Battalion Maine Volunteer Light Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Charles P. Kirk, late of Company F, One hundred and twenty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Michael Rigney, late of Companies I and B, Eighth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of George W. Patrick, late captain Company C, Sixteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of James F. Trowbridge, late of Company M, First Regiment Illinois Volunteer Light Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Benjamin F. Jacobs, late of Company F, Fourteenth Regiment Iowa Volunteer Infantry, and first lieutenant Company B, Ninth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John Brennan, alias John Branning, late of Company H, Forty-seventh Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Monroe Parker, late of Company I, Twenty-first Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Thomas Emery, late of Company L, Third Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Alexander Schriver, late of Company E, Twelfth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of George V. Peck, late of Twentieth Independent Battery, New York Volunteer Light Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of James A. Hicks, late of Company G, Forty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The name of George Martin, late of Company A, One hundred and forty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Lee Bookstover, late of Company G, Fourteenth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Robert A. Seaver, late first sergeant Company C and second lieutenant Company E, Fourth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The following committee amendments were read:

Page 28, line 13, strike out the word "twenty-four" and insert the word "thirty."

Page 30, line 11, strike out "twenty-four" and insert the word "thirty."

On page 43, after line 11, insert the following:

"The name of Mathias R. Zahniser, late of Company B, One hundred and fortieth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$72 per month in lieu of that he is now receiving."

This bill is a substitute for the following House bills referred to the Committee on Invalid Pensions:

H. R. 1301. Solomon L. Motsinger;
H. R. 1321. George W. Ruble;
H. R. 1526. George W. Kelley;
H. R. 1737. Edward Bretz;
H. R. 2448. Andrew J. Young;
H. R. 2918. Hezekiah B. Smith, jr.;
H. R. 3372. William C. M. Bishop;
H. R. 3590. Eliza Iselle;
H. R. 4374. Terrence McDuff;
H. R. 4559. John Weaver;
H. R. 4574. Peter G. Keely;
H. R. 5211. John A. Stephens;
H. R. 5321. William Beck;

H. R. 5335. James H. Stone;
H. R. 5988. Robert T. Wright;
H. R. 6491. Falkland H. Williams;
H. R. 6522. Martha E. Arnold;
H. R. 6835. Joseph Morehead;
H. R. 7196. William W. Miles;
H. R. 7800. Noah L. Payne;
H. R. 7839. Marshall Caldwell;
H. R. 8998. William R. Pinson;
H. R. 9085. Fannie Wilson;
H. R. 9169. John La More;
H. R. 9242. Wilson D. Monnett;
H. R. 9316. Samuel J. Little;
H. R. 9387. William A. Drew;
H. R. 10133. Charles M. Rome, alias Carl More;
H. R. 10158. Granville Riley;
H. R. 10174. Jefferson Colwell;
H. R. 10478. William T. Belk;
H. R. 10807. James Smith;
H. R. 10810. Thomas Price;
H. R. 10860. William B. McEldon, alias William C. Barclay;
H. R. 10914. Julia E. Stearnes;
H. R. 11485. James B. Hutchings;
H. R. 11536. Joseph J. Schafer;
H. R. 11650. Martin Parker;
H. R. 11660. Thomas J. Beebe;
H. R. 11949. Martin Corbin;
H. R. 12171. James H. McGinty;
H. R. 12504. Richard H. Powell;
H. R. 12505. Ira B. Cole;
H. R. 12537. Isaac N. Cravens;
H. R. 12545. Henry Howard;
H. R. 13148. Samuel Edwards;
H. R. 13155. William Gordon;
H. R. 13576. Wiley Collett;
H. R. 13741. Edward Coppers;
H. R. 13787. George H. Dean, alias James Grampson;
H. R. 13789. Abram T. Gamage;
H. R. 14059. Hannah Fancher;
H. R. 14145. Henry Christman;
H. R. 14222. Henry Peaks;
H. R. 14353. Letitia Hurst;
H. R. 14647. Theodore Birkhauser;
H. R. 14681. William Bunnell;
H. R. 14785. Elijah L. Shipley;
H. R. 14854. Barton Moore;
H. R. 14973. Charles H. Porter, alias Charles Gary;
H. R. 15019. Earl Vandegriff;
H. R. 15081. John Morrison;
H. R. 15101. John N. Ellis;
H. R. 15357. Robert B. Craig;
H. R. 15634. John Davis;
H. R. 15761. Benjamin F. Freeman;
H. R. 15767. Samuel Noble;
H. R. 15824. H. Adelbert Penfield;
H. R. 15987. Susan S. Poorman;
H. R. 16094. Isaac Place;
H. R. 16149. Calvin Tobias;
H. R. 16267. Horace W. Brown;
H. R. 16946. Lemuel D. Dobbs;
H. R. 16973. John T. Rader;
H. R. 17820. Rodney D. Rightmire;
H. R. 18489. William T. Kimsey;
H. R. 19156. William R. Clark;
H. R. 19225. James M. Clayton;
H. R. 19514. William H. Thompson;
H. R. 19723. Andrew T. Bitters;
H. R. 19745. John J. Carroll;
H. R. 19810. Jenie K. Reeves;
H. R. 19902. James G. Orem;
H. R. 20098. William T. Soward;
H. R. 20599. Alfred H. Bash;
H. R. 20816. George W. Daniels;
H. R. 20863. John A. Hagerty;
H. R. 20898. Jasper Keath;
H. R. 21010. William J. Reed;
H. R. 21077. Ignatius Wauker;
H. R. 21104. John Brin;
H. R. 21156. Daniel McCarl;
H. R. 21159. Frank L. Johnson;
H. R. 21276. James M. Smith;
H. R. 21301. William Crom;
H. R. 21302. William T. Clark;
H. R. 21725. George Mudgett;
H. R. 21744. Nedem J. Bryant;
H. R. 21993. Howland P. Kneeland;
H. R. 22054. William Simpson;
H. R. 22079. Lorenzo Emmons;
H. R. 22263. Richard Deven;
H. R. 22299. Swain S. Albright;
H. R. 22301. Winfield S. Douglass;
H. R. 22514. Albert F. Nelson;
H. R. 22600. Charles E. Wolverton;
H. R. 22730. Greenville Rose;
H. R. 22731. Wallace H. Cooley;
H. R. 22884. Charles E. Bartholomew;
H. R. 22893. Lawyer M. Bickmore;
H. R. 22896. Julia A. Hayden;
H. R. 22897. George W. Rogers;
H. R. 23212. Jenet F. Sparrow;
H. R. 23306. Charles W. Leavitt;
H. R. 23326. William D. Young;
H. R. 23346. James C. Porter;
H. R. 23365. William E. Gould;
H. R. 23411. Ida M. Keene;
H. R. 23421. Shumway Conant;
H. R. 23574. Levi Rothenberger;
H. R. 23614. Edward Burdette;
H. R. 23793. Andrew J. Anderson;
H. R. 23996. George W. Roberts;
H. R. 24170. William H. Baker;
H. R. 24403. George W. Custer;
H. R. 24418. Thomas Adoniram Carr;

H. R. 24445. George W. Greiling;
 H. R. 24492. Matilda A. Palmer;
 H. R. 24510. Francis J. Seifert;
 H. R. 24534. Frederick A. Hanover;
 H. R. 24574. Hiram A. Crutchfield;
 H. R. 24586. George Thayer;
 H. R. 24589. Simon Paul;
 H. R. 24636. Elise Studer;
 H. R. 24671. Edgar Parks;
 H. R. 24673. Joseph C. Fowler;
 H. R. 24712. Lemuel Runyan;
 H. R. 24767. William K. Dunlap;
 H. R. 24768. Charles Wyman;
 H. R. 24770. Harmon Myer;
 H. R. 24816. Jerome B. Eldred;
 H. R. 24898. Charles H. Scribner;
 H. R. 24925. Otto Kuehn;
 H. R. 24954. Samuel B. Lightcap;
 H. R. 24955. Caroline Crawley;
 H. R. 24962. Harvey B. Perkins;
 H. R. 24988. James H. Hendricks;
 H. R. 25005. Harry W. Lewis;
 H. R. 25013. Nathaniel Welch;
 H. R. 25028. Louisa Augert;
 H. R. 25066. Joseph L. Thomas;
 H. R. 25120. Hugh M. McClellan;
 H. R. 25123. Hiram Harding;
 H. R. 25136. Alonzo S. Gear;
 H. R. 25144. John W. Jones;
 H. R. 25168. James L. Denman;
 H. R. 25169. Martin Redding;
 H. R. 25207. Edward A. Cassilly;
 H. R. 25213. James B. Kelley;
 H. R. 25225. William H. Tyrrell;
 H. R. 25226. James F. Cooper;
 H. R. 25237. John H. Bentz;
 H. R. 25250. Thomas M. Mozingo;
 H. R. 25253. John D. Lovett;
 H. R. 25263. Norman B. Galbraith;
 H. R. 25264. John F. Amment;
 H. R. 25273. Benjamin F. Zarracher;
 H. R. 25278. Abraham Fike;
 H. R. 25281. Gustav Hackman;
 H. R. 25298. Pedar Moller;
 H. R. 25324. James Sanderson;
 H. R. 25320. William E. Hawkins;
 H. R. 25340. Sarepta Dowler;
 H. R. 25345. Alice M. Reilly;
 H. R. 25346. Edward Stidd;
 H. R. 25361. Henry Peckham;
 H. R. 25363. Simon Degruff;
 H. R. 25364. Henry R. Miller;
 H. R. 25369. Abram Simon;
 H. R. 25372. Charles Lout;
 H. R. 25374. Aiman A. Redheffer;
 H. R. 25403. Seth M. Lovell;
 H. R. 25413. Jonathan Lundy;
 H. R. 25437. John Dearolph;
 H. R. 25439. Edward A. Dewey;
 H. R. 25454. David J. M. Houghton;
 H. R. 25462. Mary Snyder;
 H. R. 25468. Charles R. Hallman, alias Henderson;
 H. R. 25475. Cicero Williamson;
 H. R. 25513. James P. Hardin;
 H. R. 25518. Hiram Smith;
 H. R. 25519. George W. Wilson;
 H. R. 25523. Daniel Van Blarcom;
 H. R. 25533. William A. Moulton;
 H. R. 25542. Stephen Brock;
 H. R. 25561. Nelson T. Saunders;
 H. R. 25607. William E. McLavey;
 H. R. 25608. Frederick J. Wagner;
 H. R. 25610. Emma E. Rockwell;
 H. R. 25612. John M. Peters;
 H. R. 25615. Oliver S. Guthrie;
 H. R. 25626. John B. Mason;
 H. R. 25634. Mary Cahill;
 H. R. 25671. Bessie Weygant;
 H. R. 25678. William Rowe;
 H. R. 25687. Henry C. Dunn;
 H. R. 25691. Hugh Stevens;
 H. R. 25694. Ellen A. Libbey;
 H. R. 25725. John T. Lamb;
 H. R. 25727. Augustus A. Law;
 H. R. 25750. Austin Warner;
 H. R. 25770. George W. Hammel;
 H. R. 25784. Nelson Davis;
 H. R. 25786. Thomas H. Scott;
 H. R. 25807. William D. Kane;
 H. R. 25818. William M. Doss;
 H. R. 25819. Riley Holmes;
 H. R. 25835. John H. Greenfield;
 H. R. 25858. Andrew Braden;
 H. R. 25867. Joseph S. Rinumer;
 H. R. 25870. Jennie S. Havens;
 H. R. 25880. Charles W. Morrill;
 H. R. 25882. Harriett A. Henry;
 H. R. 25885. William P. Peirce;
 H. R. 25894. Lewis L. Smith;
 H. R. 25904. Charles P. Kirk;
 H. R. 25906. Michael Rigney;
 H. R. 25917. George W. Patrick;
 H. R. 25933. James F. Trowbridge;
 H. R. 25934. Benjamin F. Jacobs;
 H. R. 25935. John Brennan, alias John Branning;
 H. R. 25936. Monroe Parker;
 H. R. 25937. Thomas Emery;
 H. R. 25947. Thomas Wickens;
 H. R. 25953. Alexander Schriver;
 H. R. 25994. George V. Peck;
 H. R. 25996. James A. Hicks;

H. R. 26031. George Martin;
 H. R. 26079. Lee Bookstover; and
 H. R. 26229. Robert A. Seaver.

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

The next business on the calendar was the bill (H. R. 26314) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors.

The Clerk read the bill, 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 John M. Wright, late of Company H, Fourth Regiment Tennessee Volunteer Infantry, war with Spain, and pay him a pension at the rate of \$12 per month.

The name of David H. Moore, late of Company G, Eighth Regiment Illinois Volunteer Infantry, war with Spain, and pay him a pension at the rate of \$15 per month.

The name of William D. Willoughby, late of Battery E, First Regiment United States Artillery, war with Spain, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The name of James T. Adamson, late second Lieutenant Company D, Third Regiment Georgia Volunteer Infantry, war with Spain, and pay him a pension at the rate of \$15 per month.

The name of Peter S. Moore, late of Capt. W. A. L. McCorkle's Company G, First Regiment Washington Territory Volunteers, and pay him a pension at the rate of \$16 per month in lieu of that he is now receiving.

The name of Jessie M. Parshall, widow of Harry R. Parshall, late second Lieutenant Company B, Twenty-second Regiment United States Infantry, and pay her a pension at the rate of \$25 per month in lieu of that she is now receiving.

The name of Laura D. Blair, widow of William A. Blair, late of Company D, Sixteenth Regiment Pennsylvania Volunteer Infantry, war with Spain, and pay her a pension at the rate of \$12 per month, and \$2 per month additional on account of the minor child of said William A. Blair until he reaches the age of 16 years.

The name of Luther L. Dennis, late of Company I, Third Regiment Georgia Volunteer Infantry, war with Spain, and pay him a pension at the rate of \$12 per month.

The name of Allie M. Williams, widow of Dudley R. W. Williams, late of Captain Parker's company, Iowa Mounted Volunteer Infantry, war with Mexico, and pay her a pension at the rate of \$12 per month.

The name of Tillie Pitts, dependent mother of William P. Pitts, late of Hospital Corps, United States Army, war with Spain, and pay her a pension at the rate of \$12 per month.

This bill is a substitute for the following House bills referred to the Committee on Invalid Pensions:

H. R. 7966. John M. Wright;
 H. R. 15266. David H. Moore;
 H. R. 17958. William D. Willoughby;
 H. R. 18855. James T. Adamson;
 H. R. 19201. Peter S. Moore;
 H. R. 19746. Jessie M. Parshall;
 H. R. 23720. Laura D. Blair;
 H. R. 24559. Luther L. Dennis;
 H. R. 24900. Allie M. Williams; and
 H. R. 25532. Tillie Pitts.

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

The next bill on the calendar was the bill (S. 8087) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors.

The Clerk read the bill, 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 Thomas B. Hickenlooper, late of Company D, Twenty-second Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Martha Patterson, dependent mother of Caloway Patterson, late of Company F, Third Regiment North Carolina Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of Elma C. Townsend, widow of Franklin C. Townsend, late of Company A, First Regiment Delaware Volunteer Cavalry, and pay her a pension at the rate of \$16 per month in lieu of that she is now receiving.

The name of Sidney P. Madeira, late of Company B, One hundred and ninety-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Alonzo Pickle, late of Company K, First Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Frances A. Fox, widow of Orville C. Fox, late of Company B, Thirty-first Regiment, and Company B, Seventeenth Regiment, Iowa Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of George M. E. Barnes, late of Company B, Twelfth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Martin Moore, late of Company K, Thirteenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William Moore, late of Twenty-third Independent Battery, New York Volunteer Light Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James C. Twyman, late second Lieutenant Captain Twyman's independent company of scouts, Kentucky Volunteer Cavalry, and

pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Jennie B. French, widow of William Harrison French, late captain and commissary of subsistence, United States Volunteers, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of John A. Harvey, late of Company C, Fremont's Body Guard, Fifth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Adelbert Dolliver, late of Company B, One hundred and eleventh Regiment Pennsylvania Volunteer Infantry and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of August F. Girkie, late of Company I, Fifth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Mary A. Prather, widow of Benjamin A. Prather, late of Captain Owen's company, District of Columbia Militia Cavalry, and pay her a pension at the rate of \$12 per month.

The name of Samuel M. Boone, late captain Company D, First Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Julia E. Welles, widow of George E. Welles, late Lieutenant-colonel Sixty-eighth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Jane Thompson, widow of William Thompson, late of Company I, Sixth Regiment United States Colored Volunteer Cavalry, and pay her a pension at the rate of \$12 per month.

The name of Charles I. Rogers, late acting ensign, United States Navy, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Michael McAndrews, late of Company L, First Regiment Minnesota Volunteer Heavy Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Matilda Kerns, dependent mother of John A. Kerns, late of Company L, First Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of \$12 per month.

The name of Benjamin Holley, late of Company C, Eighth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Henry C. Carbee, late of Second Battery, Vermont Volunteer Light Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Jacob Casebere, late of Company B, One hundred and fifty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Robert M. van Gilder, late of Company A, One hundred and thirty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Hugh A. Smith, late of Company B, First Regiment United States Veteran Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Alice V. Daily, widow of Cornelius M. Daily, late of general service, United States Army, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Francis H. Foss, late second lieutenant Company C, Nineteenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Edward L. Curtis, late of Company D, Seventy-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Henry F. Green, late of U. S. S. Undine, United States Navy, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Walter M. Flanders, late of Company E, Eighteenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Harriet F. Huston, widow of Caleb B. Huston, late of Company I, First Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of James W. Cox, late of Company E, One hundred and twenty-fifth Regiment New York Volunteer Infantry, and Company A, Sixth Regiment Veteran Reserve Corps, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of George H. Stillman, late of Company G, One hundred and twenty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of James W. Nauslar, late of Company I, One hundred and twenty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Robert C. Bitner, late of Company H, Sixth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Charles H. Mendenhall, late of Company L, Ninth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John P. Kendrick, late of Company I, Twelfth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Charles W. Lolley, late of Company G, Tenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John E. Lapham, late of Company I, Thirty-first Regiment, and Company I, Thirty-second Regiment, Maine Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Henry Abbott, late of Company B, Thirty-second Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Frank Nealy, late of Company I, First Regiment Delaware Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Simon R. Marston, late additional paymaster, United States Volunteers, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Mary Welsh, former widow of James Keough, late of Battery C, Second Regiment United States Artillery, and pay her a pension at the rate of \$12 per month.

The name of Mary C. Fisher, widow of Frank G. Fisher, late of U. S. S. Ohio, Saco, and Constellation, United States Navy, and pay her a pension at the rate of \$12 per month.

The name of Milton E. Bourne, late of Company K, Thirty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Daniel Kalusy, late of Company C, Ninth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of George Martin, alias Jonas M. Phelps, late of Company E, Eleventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Henry C. Hitchcock, late of Company I, First Regiment Vermont Volunteer Heavy Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William F. Greeley, late first lieutenant, Eleventh Regiment United States Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Isaac A. Mills, late of Company E, Fifty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Edwin D. Haynes, late second Lieutenant Companies H and D, Second Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of William A. Van Alstine, late of Company I, Thirty-second Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Henry L. Cushing, late of Company H, Eleventh Regiment Massachusetts Volunteer Infantry, and Seventy-fifth Company, Second Battalion, Veteran Reserve Corps, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Joseph Burkart, late of Company K, One hundred and fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Hugh A. Hawkins, late of Company E, Fifteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Gilbert W. Potter, late of Company E, Eighth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Eli Musgrave, late of Company D, One hundred and seventy-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Arthur W. Russell, late of Company M, First Regiment, and Company E, Third Regiment, Rhode Island Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Robert B. Dickie, late of Company C and second Lieutenant Company F, Second Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Erastus C. Johnston, late of Company C, Third Regiment, and Company G, Ninth Regiment, Vermont Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William Drury, late of Company F, Second Regiment Minnesota Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of William W. Henry, late colonel Tenth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

This bill is a substitute for the following Senate bills referred to the Committee on Invalid Pensions:

- S. 7238. Thomas B. Hickenlooper;
- S. 7274. Martha Patterson;
- S. 7312. Elma C. Townsend;
- S. 7315. Sidney P. Madeira;
- S. 7318. Alonzo Pickle;
- S. 7319. Frances A. Fox;
- S. 7331. George M. E. Barnes;
- S. 7368. Martin Moore;
- S. 7375. William Moore;
- S. 7382. James C. Twyman;
- S. 7386. Jennie B. French;
- S. 7390. John A. Harvey;
- S. 7402. Adelbert Dolliver;
- S. 7404. August F. Girkie;
- S. 7414. Mary A. Prather;
- S. 7417. Samuel M. Boone;
- S. 7423. Julie E. Welles;
- S. 7425. Jane Thompson;
- S. 7437. Charles I. Rogers;
- S. 7440. Michael McAndrews;
- S. 7448. Matilda Kerns;
- S. 7488. Benjamin Holley;
- S. 7492. Henry C. Carbee;
- S. 7505. Jacob Casebere;
- S. 7511. Robert M. van Gilder;
- S. 7512. Hugh A. Smith;
- S. 7519. Simon R. Marston;
- S. 7520. Alice V. Daily;
- S. 7535. Francis H. Foss;
- S. 7537. Edward L. Curtis;
- S. 7543. Henry F. Green;
- S. 7547. Walter M. Flanders;
- S. 7548. Harriet F. Huston;
- S. 7550. James W. Cox;
- S. 7551. George H. Stillman;
- S. 7561. James W. Nauslar;
- S. 7572. Robert C. Bitner;
- S. 7573. Charles H. Mendenhall;
- S. 7599. John P. Kendrick;
- S. 7600. Charles W. Lolley;
- S. 7601. John E. Lapham;
- S. 7607. Henry Abbott;
- S. 7618. Frank Nealy;
- S. 7622. Mary Welsh;
- S. 7625. Mary C. Fisher;
- S. 7641. Milton E. Bourne;

S. 7667. Daniel Kalusy;
 S. 7678. George Martin, alias Jonas M. Phelps;
 S. 7684. Henry C. Hitchcock;
 S. 7685. William F. Greeley;
 S. 7696. Isaac A. Mills;
 S. 7705. Edwin D. Haynes;
 S. 7714. William A. Van Alstine;
 S. 7720. Henry L. Cushing;
 S. 7722. Joseph Burkart;
 S. 7734. Hugh A. Hawkins;
 S. 7741. Gilbert W. Potter;
 S. 7755. Eli Musgrave;
 S. 7792. Arthur W. Russell;
 S. 7849. Robert B. Dickie;
 S. 7854. Erastus C. Johnston;
 S. 7913. William Drury; and
 S. 7927. William W. Henry.

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

On motion of Mr. SULLOWAY, a motion to reconsider the votes by which the several bills were passed was laid upon the table.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. TAWNEY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the sundry civil appropriation bill (H. R. 25552).

Mr. CAMPBELL. Mr. Speaker, pending that motion, I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CAMPBELL. There are a number of bills on the Private Calendar in order to-day. Were they to be considered to-day?

The SPEAKER. That depends upon the will of the majority of the House. This is a motion made by the gentleman from Minnesota, by direction of the Committee on Appropriations, which motion is in order, and if a majority of the House should agree to the motion that would end the matter, as far as the proceedings on the Private Calendar are concerned.

Mr. CAMPBELL. Pending the motion of the gentleman from Minnesota, I ask unanimous consent to consider the bill (H. R. 16032) for the relief of the Saginaw, Swan Creek, and Black River band of Chippewa Indians in the State of Michigan.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

Mr. TAWNEY. Mr. Speaker, reserving the right to object, I want to say that the chairman of the Committee on Claims informed me yesterday that his committee was not at all particular about taking up bills on the Private Calendar to-day, and I understand from the gentleman from Michigan [Mr. Dodds] that this is a bill that will not take any time. If there are any other Members who have bills that they want to consider on the Private Calendar, I shall have to object.

Mr. FOSTER of Illinois. Mr. Speaker, I would like to inquire the reason for the hurry in respect to this bill, that unanimous consent should be asked for this special privilege. There are a number of other bills on the Private Calendar of a good deal of importance to Members.

Mr. CAMPBELL. This is a bill that has been pressed by the gentleman from Michigan [Mr. Dodds] almost since last session. It has been on the calendar from the Committee on Indian Affairs for a long time, but has not been considered. It merely refers to the Court of Claims the claim of certain Indians.

Mr. GARNER of Texas. There are lots of them on the calendar in the same condition. If this is to be made the special order under unanimous consent, we would like to have the same order in respect to a number of other claims.

Mr. TAWNEY. Mr. Speaker, if that is the case, I shall object.

The SPEAKER. Objection is heard. The question is on the motion of the gentleman from Minnesota that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the sundry civil appropriation bill (H. R. 25552).

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the sundry civil appropriation bill (H. R. 25552), with Mr. MANN in the chair.

The Clerk read as follows:

Unveiling statue of General Baron von Steuben: For unveiling and dedicating the statue of General Baron von Steuben and for each and every purpose connected therewith, \$2,500.

Mr. MACON. Mr. Chairman, on that paragraph I reserve the point of order.

Mr. THOMAS of North Carolina. Mr. Chairman—

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. THOMAS of North Carolina. I wish to move to strike out the last word.

The CHAIRMAN. That motion is not in order, but the gentleman will be recognized. The gentleman from Arkansas reserves the point of order on the paragraph.

Mr. THOMAS of North Carolina. Mr. Chairman, in connection with this proposed appropriation for the unveiling of the statue of Baron von Steuben, the great German general and companion of Washington at Valley Forge, I wish, very briefly, upon this birthday anniversary of Nathanael Greene, to call the attention of the House to a bill for the erection of a statue to Gen. Nathanael Greene upon the battle ground of Guilford Court House, near Greensboro, N. C. General Greene was, it is said, next to Washington, the most potent force in our struggle for national independence. The erection of a statue to General Greene would link together the people of New England and the people of North Carolina and the South, in which he won some of his most famous victories. General Greene was born in Rhode Island and died at Savannah, Ga., upon an estate given him by the State of Georgia in recognition of his splendid services in the cause of American independence. On the 15th of March, 1781, General Greene engaged Cornwallis in battle at Guilford Court House, about 5 miles from the city of Greensboro, N. C., which city is named in his honor. It is said that when the news of this battle reached Parliament, Cornwallis claiming it as a victory, Fox declared another such victory would destroy the British army.

The historian Wheeler says:

The effect of this desperate battle (Guilford Court House) was to break down the English power in our State (North Carolina), subdue the Tories, * * * and was the main blow that broke the chain of tyranny which bound our country to England.

The same author says that Greene was one of the bravest, most sagacious, and most successful officers of the Revolution. He was probably second only to Washington.

[Applause.]

This bill, Mr. Chairman, for the erection of a statue to Gen. Nathanael Greene, passed the Senate of the United States April 13, 1910. Representative MOREHEAD, of the fifth district of North Carolina, has introduced a similar bill, with some amendments, providing for the enlargement, improvement, and permanent betterment of the battle grounds at Guilford Court House. I trust that the bill passed by the Senate upon the motion of Senator OVERMAN, as proposed to be amended by the Representative of the fifth district of North Carolina [Mr. MOREHEAD], will eventually pass the Congress of the United States. I am heartily cooperating with them. I desire this morning, upon this birthday of General Greene, to simply call attention to this bill and ask to incorporate in the RECORD the Senate bill as passed by the Senate, the House bill as introduced by Representative MOREHEAD, the report on the Senate bill, and a clipping from the Washington Herald of this morning, giving a brief history of the life and character of General Greene. [Applause.]

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent to extend his remarks in the RECORD by inserting certain papers. Is there objection? [After a pause.] The Chair hears none.

Mr. GOULDEN. Will the gentleman yield?

Mr. THOMAS of North Carolina. Certainly.

Mr. GOULDEN. In what condition is the battlefield at Guilford Court House?

Mr. THOMAS of North Carolina. Mr. Chairman, I am very glad the gentleman from New York asked the question, and I am very glad to answer it. The Guilford Battle Ground Company keeps the battle ground in beautiful order. It is now a beautiful park. The State contributes to its maintenance. The Congress of the United States, conforming to an act of the Continental Congress, or ratifying an act of the Continental Congress, has erected there two memorial arches to Generals Nash and Davidson, of Revolutionary fame, and Guilford Court House battle ground is the Mecca for the patriotic citizens, not only of North Carolina, but of the entire country. [Applause.]

Mr. GOULDEN. Why has this duty been neglected so long of erecting some monument to General Greene, who was such a prominent figure in the Revolutionary struggle?

Mr. THOMAS of North Carolina. The gentleman is right. It is a neglected duty, and it is time to act. The bill has been repeatedly urged by the Senators from Rhode Island and North Carolina, and has passed the Senate repeatedly, but we have not, up to date, been able to get the bill passed by the House. The gentleman knows the difficulty of getting action by the House. However, we hope soon to get favorable action and thereby honor this great general, this Quaker soldier and citizen of both the North and South, whose career reflected unfading and imperishable glory upon the whole country. [Applause.]

The articles referred to are as follows:

TO-DAY IN HISTORY—BIRTHDAY OF NATHANAEL GREENE—MAY 27.

Next to Washington, Nathanael Greene was the most potent force in our struggle for national independence. He was born on May 27, 1742, in a little farmhouse in Rhode Island. His boyhood was spent, like that of the other youth of the neighborhood, probably a little less exciting, for his father was a strict Quaker and pastor of a church at East Greenwich. He was also a "captain of industry" at that period. With his five brothers, he owned a forge, a gristmill, a sawmill, as well as a store for the sale of general merchandise.

Nathanael received little education, and early in life was employed assisting his father, uncles, and cousins in the operation of these various enterprises. That he might read the Bible and run the business his father had, the boy was instructed in the rudiments by an itinerant teacher, but further than that he would not go.

When he had grown to manhood, however, and a certain portion of the business was turned over to him by his father, he became a great reader, and studied considerable law in order to assist him as a merchant. When the cause of liberty began its ascendancy Greene was one of the first in this Quaker community to espouse it. He received a charter for the organization of a military company in his town and several adjoining villages, to be known as the Kentish Guards.

Greene walked with a limp, and in consequence he joined the company as a private, although he was suggested for a lieutenancy, but he feared that his lameness would bring ridicule upon the company. Not being the possessor of a musket, and none being obtainable at any point nearer than Boston, he rode all the way on horseback and secured one and sent it back home concealed under a merchant's load of goods.

While in Boston he had watched the British troops drill on the commons and he persuaded a British deserter to accompany him back to Rhode Island to act as a drillmaster for the guards.

When the Quakers saw Greene, the son of their former pastor, a member of the military, they thrice summoned him to appear at the monthly meeting, and upon his refusal he was formally cast out of the congregation. The Quaker had turned soldier, and soldier he was henceforth to remain.

When the news of Lexington came to Greene's home at Coventry, without a moment's delay he took down his recently purchased musket and, with his company, headed for Boston. While Greene was absent the patriots at home mustered together an army of 1,000 and he was made brigadier-general, a rapid promotion from private, even in those days. He returned home, perfected all arrangements, and in a few days he was on his way to Boston with his Rhode Island army.

From this on, through the entire war, his name was on the lips of everyone. The tribute paid to Greene by the late John Fiske, pronounced as it is, is none too strong. "For intellectual caliber," declared Fiske, "the other officers were dwarfed in comparison with Greene, who comes out at the end of the war with a military reputation scarcely, if at all, inferior to that of Washington. Nor was Greene less noted for the sweetness and purity of his character than for the scope of his intelligence."

Greene fought with distinction at Fort Washington, at Trenton, at Germantown; succeeded Gates at the South, and his southern campaign, perhaps more than any other in the course of the war, reflected credit on the American arms and their commander. He died in 1786 on his fine estate at Mulberry Grove, Savannah, which had been given to him by the State of Georgia as a recognition of his splendid services in the cause of American independence.

An act (S. 5379) for the erection of a statue of Maj. Gen. Nathanael Greene upon the Guilford battle ground, in North Carolina.

Be it enacted, etc. That a statue of Maj. Gen. Nathanael Greene shall be erected on the battlefield of Guilford Court House, in Guilford County, N. C.

SEC. 2. That to pay for the construction, erection, and completion of said statue and the preparation of a site for the same the sum of \$25,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of War.

SEC. 3. That the site for said statue, within the limits of said battlefield of Guilford Court House, shall be selected by the Secretary of War, but no part of the sum herein appropriated shall be expended until the Guilford Battle Ground Company is pledged to care for and maintain said statue and site, and there shall be provided for the public use an open highway thereto.

A bill (H. R. 24007) to provide for the erection of a statue of Gen. Nathanael Greene on the battlefield of Guilford Court House, for the erection of tablets to the memory of other participants in this battle, and for the enlargement, by purchase, improvement, and permanent betterment, of the Guilford battle-ground property.

Be it enacted, etc. That a statue of Gen. Nathanael Greene shall be erected on the battlefield of Guilford Court House, in Guilford County, N. C.

SEC. 2. That to pay for the construction, erection, and completion of said statue, and the preparation of a site for the same, the sum of \$25,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of War.

SEC. 3. That the site for said statue within the limits of said battlefield of Guilford Court House shall be selected by the Secretary of War, but no part of the sum herein appropriated shall be expended until the site so selected shall be conveyed, free of cost, to the United States, and there shall be provided for the public use an open highway thereto.

SEC. 4. That monuments and tablets may also be erected to the memory of other participants in this battle, and that the property shall be enlarged, improved, and permanently bettered under the direction of the Secretary of War, by and with the assistance of the officers of the Guilford Battle Ground Company.

SEC. 5. That to pay for the erection of such monuments and tablets, and for the enlargement, improvement, and permanent betterment of said property, the additional sum of \$25,000, or so much thereof as may be necessary, is hereby authorized to be expended, out of any money in the Treasury not otherwise appropriated, to be disbursed under the direction of the Secretary of War: *Provided*, That the responsibility for the care and keeping of the same shall be and remain with the Guilford Battle Ground Company, of North Carolina, it being expressly understood that the United States shall have no responsibility therefor.

SEC. 6. That this act shall be in force from and after its passage.

STATUE OF MAJ. GEN. NATHANAEL GREENE.

[Senate Report No. 492, Sixty-first Congress, second session.]

Mr. WETMORE, from the Committee on the Library, submitted the following report, to accompany S. 5379:

The Committee on the Library, to whom was referred the bill (S. 5379) for the erection of a statue of Maj. Gen. Nathanael Greene upon the Guilford battle ground, in North Carolina, have had the same under consideration, and report it back with the following amendment:

On page 2 strike out all after the word "the," in line 1, and insert in lieu thereof the following:

"Guilford Battle Ground Company is pledged to care for and maintain said statue and site, and there shall be provided for the public use an open highway thereto."

Bills having the same object passed the Senate in the Fifty-fourth, Fifty-ninth, and Sixtieth Congresses.

The report of the Committee on the Library in the Sixtieth Congress is reprinted herewith.

[Senate Report No. 275, Sixtieth Congress, first session.]

The Committee on the Library, to whom was referred the bill (S. 1761) for the erection of a statue of Maj. Gen. Nathanael Greene upon the Guilford battle ground, North Carolina, have had the same under consideration, and report it back with the following amendment:

"Strike out all after the enacting clause and insert the following:

"That a statue of Gen. Nathanael Greene shall be erected on the battlefield of Guilford Court House, in Guilford County, N. C.

SEC. 2. That to pay for the construction, erection, and completion of said statue and the preparation of a site for the same the sum of \$25,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of War.

SEC. 3. That the site for said statue, within the limits of said battlefield of Guilford Court House, shall be selected by the Secretary of War, but no part of the sum herein appropriated shall be expended until the site so selected shall be conveyed, free of cost, to the United States and there shall be provided for the public use an open highway thereto."

The object of this amendment is to make the bill conform to one passed by the Senate in the Fifty-ninth Congress having a similar object. The Senate also passed a bill in the Fifty-fourth Congress proposing to erect a statue of General Greene on the battlefield of Guilford Court House, but it was not considered in the House of Representatives.

Gen. Nathanael Greene was born in Warwick, R. I., May 27, 1742, and died at his home on Mulberry Grove plantation, on the Savannah River, in Georgia, on June 19, 1786, from the effects of a sunstroke received a few days prior thereto while in Savannah. He left a wife and five children. After the Revolutionary war he removed from Newport, R. I., to this plantation, which was given to him by the State of Georgia in recognition of his distinguished services in the Revolution.

He was the son of Nathanael Greene, a preacher of the Quaker denomination, and a lineal descendant of John Greene, who came from England, following Roger Williams. On July 20, 1774, he married Catherine Littlefield. He read law, but the times required him for a more active life. On May 8, 1775, he was commissioned a brigadier-general in the Rhode Island troops. He soon became a major-general in the Continental Army. He participated in the battles of Trenton and Princeton, and commanded the left wing of our army under the eye of Washington, at Germantown (now in Philadelphia), October 4, 1777, where Gen. Francis Nash was killed. General Greene possessed the confidence and regard of the great commander in chief in an eminent degree, and after the defeat of General Gates at Camden by Lord Cornwallis in August, 1780, Washington sent him to command the forces in the South.

On the 15th of March, 1781, he engaged Cornwallis in battle at Guilford Court House, about 5 miles from the city of Greensboro, N. C., which city is named in his honor. The battle was one of the most important of the Revolution. Though Greene ordered a retreat, he was not defeated. Of it Thomas E. Watson, in his *Life of Jefferson*, says: "Guilford Court House, in result, was an American victory, for it was necessary to the British plan of campaign that they should triumph, and they did not triumph. Greene turned south to free the land from the English, while Cornwallis went north toward Yorktown."

When the news of the battle reached Parliament, Cornwallis claiming it as a victory, Fox declared, "Another such victory would destroy the British army."

The historian, Wheeler, says: "The effect of this desperate battle (Guilford Court House) was to break down the English power in our State (North Carolina), subdue the Tories, * * * and was the main blow that broke the chain of tyranny which bound our country to England." The same author says that Greene "was one of the bravest, most sagacious, and most successful officers of the Revolution." He was probably second only to Washington.

The battle of Guilford Court House so crippled Cornwallis that he avoided a second conflict for the time being, and began a retrograde movement, leaving his wounded under the care of the Americans. General Greene then marched to South Carolina, then under the dominion of the British. At Eutaw Springs, on the 8th of September, 1781, a bloody battle was fought, in which Greene routed the enemy. The historian above quoted says that "after suffering incredible hardships from want of food and clothing for his troops his patience and firmness triumphed over all obstacles. He drove the invaders from the country, and they sailed from Charleston on December 17." He was called "the savior of the South," and when he died we are told he left "a fame that will remain as long as patriotism is admired."

The bill proposes to erect the monument on the battlefield of Guilford Court House. This is the scene of General Greene's greatest and most fruitful work. Of it Mr. Benton, in his *Thirty Years' View*, in his chapter on Nathaniel Macon, says the battle of Guilford disabled Cornwallis from remaining in the South and sent him to Yorktown, and continues:

"The philosophy of history has not yet laid hold of the battle of Guilford, its consequences and effects. That battle made the capture at Yorktown. The events are told in every history, their connection and dependence in none. It broke up the plan of Cornwallis in the South and changed the plan of Washington in the North. Cornwallis was to subdue the Southern States, and was doing it until Greene turned upon him at Guilford. Washington was occupied with Sir Henry Clinton, then in New York with 12,000 British troops. He had formed the heroic design to capture Clinton and his army (the French fleet co-operating) in that city, and thereby putting an end to the war.

"All his preparations were going on for that grand consummation when he got the news of the battle of Guilford, the retreat of Cornwallis to Wilmington, his inability to keep the field in the South, and his return northward through the lower part of Virginia. He saw his advantage—an easy prey—and the same result if successful. Cornwallis or Clinton, either of them captured would put an end to the war. Washington changed his plan, deceived Clinton, moved rapidly upon the weaker general, captured him and his 7,000 men, and ended the Revolutionary war. The battle of Guilford put that capture into Washington's hands, and thus Guilford and Yorktown became connected, and the philosophy of history shows their dependence and that the lesser event was father to the greater. The State of North Carolina gave General Greene 25,000 acres of western land for that day's work, now (in 1854) worth a million of dollars, but the day itself has not yet obtained its proper place in American history."

This battlefield has been reclaimed and adorned by the Guilford Battle Ground Company, a patriotic association incorporated by the legislature of North Carolina. The state legislature exempts it from taxation and contributes to its maintenance. It is now a beautiful park of about 100 acres of Piedmont hill and vale, the title being in the company. It has beautiful groves; meadows; abundant waters, including Lake Wilfong; springs; grass plats; a keeper's home; association buildings; a museum filled with Revolutionary relics, many of them of rare value; a pavilion with a large seating capacity; and has 25 monuments, among them one to the Maryland troops who fell in the battle, others to signers of the Declaration of Independence, to General Nash, to General Davidson (these two erected by an act of Congress), to Col. Joseph Winston, Col. Benjamin Cleaveland, and other Revolutionary heroes and distinguished patriots.

A line of the great Southern Railway traverses the battlefield. The relative positions of the opposing forces are shown by granite markers. It is a Mecca of patriotism. Every year on July 4 many thousands gather there to hear a leading address and short speeches on patriotic but nonpartisan subjects, frequently some Revolutionary character or event.

The late Gen. Henry V. Boynton said of it that "the vast body of the Revolutionary patriots of the North should take notice of this North Carolina work, * * * a field preserved and paid for, with its history collected and preserved on tablets and monuments."

The CHAIRMAN. Does the gentleman from Arkansas insist upon his point of order?

Mr. MACON. I do unless there can be some reason shown why this provision should remain in the bill.

Mr. TAWNEY. Mr. Chairman, I will state for the information of the gentleman from Arkansas that February 27, 1903, Congress appropriated \$50,000 for the erection of this statue. No part of that appropriation that was then made available can be expended for the unveiling of the statue and this is for the purpose, now that the statue is completed and will be erected and ready for unveiling during this year, of enabling the statue to be unveiled and to contribute to that ceremony what Congress did in respect to the two statues unveiled here a couple of weeks ago.

Mr. MACON. Was the entire \$50,000 expended?

Mr. TAWNEY. The entire \$50,000. I can not answer whether it has all been expended or not, but under the language of the appropriation not a dollar of it can be expended on account of the unveiling. It is not available and can not be expended, by the language of the act, for that purpose.

Mr. MACON. My reason for asking the question was to ascertain whether any part of the \$50,000 was unexpended out of which this amount of \$2,500 might be taken.

Mr. TAWNEY. No matter how large the balance of the appropriation might be, none of it could be expended for this purpose, because the language carrying the original appropriation provides it shall not be expended for the unveiling of the monument.

Mr. MACON. Has this monument been erected?

Mr. TAWNEY. It has not been erected yet; but I understand it is completed and will be erected this fall some time or next spring.

Mr. BATES. The language of the appropriation was "as much as might be necessary," was it not?

Mr. TAWNEY. Yes.

Mr. MACON. I will say to the gentleman in charge of the bill, Mr. Chairman, that, judging by the tardy progress of the work on the Grant monument, I do not think this appropriation will be needed for several years.

Mr. TAWNEY. I will say to the gentleman from Arkansas [Mr. MACON] that this appropriation has been expended by a commission composed of the Secretary of War, the chairman of the Committee on the Library in the Senate, and the chairman of the Committee on the Library in the House of Representatives. Now, the Secretary of War says the commission was not made aware of the necessity for the appropriation requested in time to include an estimate for it in the Book of Estimates for appropriations for 1911; and he also calls attention to the fact that no part of the original appropriation is available for this purpose; and I recall that some time ago, when this matter was before the House, the gentleman from Missouri [Mr. BARTHOLDT] stated that this monument was completed, and it was to be erected and unveiled this year. That is my recollection of his statement.

Mr. MACON. Is he a member of the commission?

Mr. TAWNEY. No. The commission consists of no one but the Secretary of War, the chairman of the Committee on the Library in the Senate, and the chairman of the Committee on the Library in the House.

Mr. MACON. The gentleman from Minnesota has had no suggestion from them as to when the unveiling would take place?

Mr. TAWNEY. Next fall some time; about the 1st of November. And the money appropriated here would not be expended until the monument was ready for unveiling, but it will be during the calendar year 1910—some time about the 1st of November.

Mr. MACON. Mr. Chairman, \$50,000 having been appropriated and used, I am not disposed to retard the progress of the erection and unveiling of the monument by insisting upon the point of order. I therefore withdraw it.

The CHAIRMAN. The gentleman withdraws the point of order. Under the unanimous-consent agreement the Clerk will proceed to read on page 73, line 12.

Mr. CAMPBELL. Mr. Chairman, I would like to ask the chairman of the Committee on Appropriations what items of expense are intended to be covered by this \$2,500.

Mr. TAWNEY. The same items of expense as were included in the unveiling of the two monuments—one on Pennsylvania avenue and one in Lafayette Park—namely, the Kosciuszko and Pulaski statues. The seating arrangements will constitute the principal item of expense.

Mr. CAMPBELL. I have observed that when seating capacity is being arranged for the unveiling of these monuments that new lumber is invariably used in each instance, and I want to know if the Government buys and pays for material to be used for the one occasion in each of these instances or whether there is a salvage after the use of the lumber? It looked to me like a waste of material to buy new lumber every time seating capacity is provided for the unveiling of these statues.

Mr. TAWNEY. I will say to the gentleman that the conditions under which the lumber is obtained amounts practically to a lease of the lumber. It is bought on condition that it is to be taken back by the firm from which it is purchased after the unveiling has taken place, at a price agreed upon between the dealer and the commission. It is not an absolute purchase. It is only a conditional one. It has to be taken back.

The Clerk proceeded with the reading of the bill.

Mr. BARTHOLDT. Mr. Chairman, I wanted to suggest an amendment to this paragraph, increasing the amount from \$2,500 to \$3,500.

Mr. MACON. Mr. Chairman, I make the point of order that the amendment comes too late. The paragraph has been passed.

The CHAIRMAN. The gentleman was on his feet asking for recognition when the Clerk commenced to read on page 73. The gentleman from Missouri [Mr. BARTHOLDT] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Strike out "two" and insert "three," page 68, line 7, so that it will read: "\$3,500."

Mr. BARTHOLDT. Mr. Chairman, I understand that the appropriation for the recent unveiling of the Pulaski and Kosciuszko statues was \$2,500 and the same amount has been inserted for the Steuben statue. But I am informed that greater facilities will be necessary for the unveiling of the Steuben monument than were required recently. It is intended that from 3,000 to 4,000 singers will be present for the purpose of singing songs. A platform will have to be erected for them, and I understand this will entail an expense of at least \$1,000 or more if these singers, who will come from all parts of the United States—from the West, the South, the North, and the East—are to be accommodated. I earnestly hope that this small increase of expenditure will be made for their accommodation.

Mr. TAWNEY. Mr. Chairman, I trust the amendment will not be agreed to. I do not think that the expenses incident to the unveiling of any of these statues ought to be more than \$2,500. That was the amount that we appropriated for both of the statues that were unveiled here several weeks ago. It seems to me that \$3,000 would be an exorbitant amount to be expended for this purpose, because the main item of expense is providing seating capacity for those who attend. I do not think that we ever appropriated as much as \$2,500 before we appropriated for the unveiling of the Kosciuszko and Pulaski statues.

Mr. BARTHOLDT. Mr. Chairman, I desire to say to the gentleman from Minnesota that I did not bring the matter to the attention of the Committee on Appropriations, and especially of the distinguished chairman, because the necessity of this

additional appropriation has only recently become apparent. The fact is, Mr. Chairman, that it is proposed to make this the greatest demonstration of German-Americans that has ever taken place in the United States. I am informed that at least 50,000 people will be here, as compared, perhaps, with 5,000 or 6,000 who attended when the Pulaski and Kosciuszko statues were unveiled. Naturally, the Government should do something toward accommodating these great masses of people.

Mr. COX of Indiana. What is the estimate of the crowd that came here the other day to attend the unveiling of the statues?

Mr. BARTHOLDT. Five or six thousand.

Mr. COX of Indiana. And the gentleman estimates how many will be here on this occasion?

Mr. BARTHOLDT. At least 50,000.

Mr. COX of Indiana. A very large number will come here from Germany.

Mr. TAWNEY. I think the gentleman underestimated the number of those who attended the unveiling of the two statues recently. My information is that there were probably a great many more than 5,000 or 6,000.

Mr. COX of Indiana. Did the seating capacity fill the bill all right the other day?

Mr. TAWNEY. Yes. Of course the proceedings do not occupy a great deal of time, and the seating capacity is provided mainly for the societies under whose jurisdiction the statue has been prepared and erected and distinguished guests. Now, it is not supposed to provide a seating capacity for 10,000 or 15,000 or 20,000 people. These exercises do not last very long.

Mr. COX of Indiana. But they are very important.

Mr. TAWNEY. And the German-Americans and the Poles and the Americans can stand up a little while. If we undertook to provide seating capacity for all who attended, \$3,000 would not be a drop in the bucket.

Mr. BARTHOLDT. At least 45,000 people would have to stand up. I merely wish to call attention to the organizations that will participate in this coming event. There is the National German Alliance, composed of 2,000,000 citizens of the United States; the North American Athletic Union, with over 100,000 citizens; the Eastern American and Western American Singer Societies, organizations comprising about 250,000 members. Under the auspices of these organizations these unveiling ceremonies will take place; and, as I say, the seating capacity will, of course, have to be somewhat enlarged.

We can not possibly seat all those who want to attend; but for the singers who want to contribute to the dignity of the occasion by music and song and who are contributing liberally out of their own pockets by coming to the national capital, we should at least have a place for them to be seated and a platform from which they can render their songs.

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

Mr. BARTHOLDT. Certainly.

Mr. FITZGERALD. Where is this statue to be unveiled?

Mr. BARTHOLDT. On Lafayette Square; the corner nearest to Connecticut avenue.

Mr. STAFFORD. The northwest corner.

Mr. FITZGERALD. There is hardly any place there where you could build a platform that would hold 4,000 people. The platforms are generally built for the accommodation of the distinguished representatives of the different organizations who have some intimate connection with the memory of the person to be honored, and it is that they may be given an opportunity to be seated while the addresses are being delivered. It has never been possible to provide seating accommodation for all the visitors that would come to Washington.

Mr. BARTHOLDT. That is a matter of course.

Mr. FITZGERALD. It would not be possible to build a platform where 4,000 people could be accommodated.

Mr. BARTHOLDT. Mr. Chairman, I am merely expressing the wishes of those who have this matter in charge.

Mr. FITZGERALD. My understanding is that this money is used not only for the stands but for decorations, for engraving, for invitations, and a number of other incidental expenses.

The CHAIRMAN. The time of the gentleman from Missouri has expired. The question is on agreeing to the amendment.

The question was taken, and the Chairman announced that the nays seemed to have it.

Mr. BARTHOLDT. Division, Mr. Chairman.

The committee divided; and there were—ayes 28, noes 35.

So the amendment was rejected.

The Clerk read as follows:

California Débris Commission: For defraying the expenses of the commission in carrying on the work authorized by the act of Congress approved March 1, 1893, \$15,000.

Mr. COX of Indiana. Mr. Chairman, I move to strike out the last word. If I remember correctly, this is a new provision, and I would like to inquire whether this is a permanent commission.

Mr. TAWNEY. It is a commission established by law.

Mr. COX of Indiana. Established by permanent law?

Mr. TAWNEY. Yes; it is in the district of the gentleman from California [Mr. ENGLEBRIGHT], and doubtless he can give the gentleman the information necessary.

Mr. ENGLEBRIGHT. The California Débris Commission was created in 1893 for the purpose of investigating the condition of hydraulic mining in that State in connection with what damage they were doing to the navigable streams, for the purpose of preparing plans to improve the rivers of that State with the view of permitting hydraulic mining to be carried on without damage to the navigable streams. This commission has done considerable work on that subject, and Congress has in the past made an appropriation of \$400,000.

Mr. COX of Indiana. A lump sum of \$400,000 or \$400,000 in the aggregate?

Mr. ENGLEBRIGHT. Four hundred thousand dollars to carry out certain plans, with a like appropriation from the State of California of \$400,000, which money has been nearly all expended. The present appropriation in the river and harbor bill for the improvement of the Sacramento River is based on the report of that commission.

Mr. COX of Indiana. Does the commission work in conjunction with the State of California?

Mr. ENGLEBRIGHT. It does.

Mr. COX of Indiana. Does the State of California make a like appropriation every time Congress appropriates for the commission?

Mr. ENGLEBRIGHT. Yes.

Mr. COX of Indiana. Then the State of California will put up a corresponding amount of \$15,000 with this?

Mr. ENGLEBRIGHT. No; the Government has been making this annual appropriation of \$15,000 for the expense of the commission. This commission has other duties. The State of California has been making appropriations to carry out works recommended by the commission.

Mr. COX of Indiana. Does the \$15,000 go to pay the salaries of the commission?

Mr. ENGLEBRIGHT. No; but the expenses of the commission. They are army engineers, who are paid by the Government.

Mr. COX of Indiana. Then this is to pay the expenses of the commission?

Mr. ENGLEBRIGHT. Yes.

Mr. COX of Indiana. Has any appropriation been made for this purpose in this bill or in any other by Congress in previous years?

Mr. ENGLEBRIGHT. Yes; \$15,000 has been appropriated every year since 1893.

Mr. COX of Indiana. Mr. Chairman, I will withdraw the pro forma amendment.

The Clerk read as follows:

International Waterways Commission: For continuing the work of investigation and report by the International Waterways Commission, authorized by section 4 of the river and harbor act approved June 13, 1902, \$20,000.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. The paragraph pertains to work on the International Waterways Commission. I would like to inquire of the chairman of the committee as to the work that is performed by this commission and what is the special need of it.

Mr. TAWNEY. It is a statutory commission, authorized in the river and harbor appropriation bill quite a number of years ago. It is an international commission engaged in the survey of the boundary on the Great Lakes between Canada and the United States. It is a commission also that investigates the effect on the waters of the Lakes by reason of artificial outlets that may be and are made from time to time. A very important service was performed by this commission some years ago when the effect upon the lake level by the Chicago Drainage Canal was investigated and reported upon. The testimony of the chairman of the American commission before the committee showed the necessity of continuing it and the statute authorizing it. The Committee on Appropriations had nothing to do but recommend to the House the usual appropriation of \$20,000, which is the amount that has been appropriated for several years.

Mr. STAFFORD. Can the gentleman tell us who the members of the commission are and the amount that has been expended in maintaining it?

Mr. TAWNEY. General Ernst is chairman of the commission. He is a retired officer of the United States Army. On page 407 of the hearings the gentleman will find this statement:

The CHAIRMAN. General, we will hear you on your item, International Waterways Commission, page 153; for continuing the work of investigation and report, etc., \$20,000.

General ERNST. It is the usual amount allowed, Mr. Chairman, for the maintenance of that commission.

The CHAIRMAN. When do you expect this commission to complete its work?

General ERNST. That is a difficult question to answer. The commission has very nearly completed the work which was in sight when it was created, but last year a treaty was negotiated between the United States and Great Britain in which the work was assigned to it of relocating and reascertaining the boundary which runs through the northern waters, and that they have been engaged on in the last year, and that will take two or three years more; not less than two years.

The CHAIRMAN. Are you making a survey of the boundary?

General ERNST. We are supplementing national surveys. We are constructing a new series of charts on the proper scale for our purposes, and using as a greater portion of the data for that purpose the data from the War Department. We are also using Canadian surveys, and occasionally sending out parties to fill in gaps in these maps, locating light-houses when they are not already located, and that sort of thing. We have a force at Buffalo working on that, and it is making very good progress.

Mr. HULL of Tennessee. To whom does this commission make its report?

Mr. TAWNEY. The commission reports to the Secretary of War.

Mr. HULL of Tennessee. Are these reports submitted to Congress in full?

Mr. TAWNEY. They are.

Mr. STAFFORD. Mr. Chairman, I am quite satisfied that if it had not been for the additional duties that may have been conferred by reason of the treaty negotiations between the United States and Great Britain, to which the chairman directed our attention, there would be no need whatsoever for continuing any appropriation for this commission. It may have done some work in prior years, but most of us know that it is more or less of a fixture for having some employment without giving any return to the National Government.

In respect to General Ernst's statement that they are engaged in locating light-houses where they are not already located, I will state that members of the Committee on Interstate and Foreign Commerce know from the hearings that have been held from time to time on the location of light-houses that this Government has not received any assistance whatsoever from this commission or from our neighbor across the waters. Our Government has been obliged to provide for light-ships, because of the failure on the part of the Canadian authorities to provide the adequate aids to navigation on their shore. It is known to all who have any knowledge of lake traffic that the maintenance of aids on the Great Lakes has been borne almost exclusively by the United States Government. I for one do not wish to interfere with any new duty that may have been conferred by some treaty, but if those new duties had not been conferred, I would certainly have opposed any continuing appropriation just for the purpose of giving a nice berth to some people, whereby they may tour the Lakes in the summer season. Under the circumstances I will not oppose the appropriation.

Mr. TAWNEY. Mr. Chairman, if the gentleman from Tennessee [Mr. HULL], who inquired a moment ago about the report, will turn to page 408 of the hearings, he will see that the report is made to the Secretary of War. Sometimes it reaches Congress and sometimes not. The commission is not required to report to Congress, but the Secretary of War usually embodies a synopsis of its report in his annual report, which comes to Congress.

Mr. HULL of Tennessee. None of the duties of this commission are in conflict with the functions of the Committee on Rivers and Harbors?

Mr. TAWNEY. No; this commission was created on a river and harbor bill, and on the recommendation of the Committee on Rivers and Harbors.

The Clerk read as follows:

Support and medical treatment of destitute patients: For the support and medical treatment of medical and surgical patients who are destitute, in the city of Washington, under a contract to be made with the Providence Hospital by the Surgeon-General of the Army, \$19,000, one half of which sum shall be paid from the revenues of the District of Columbia and the other half from the Treasury of the United States.

Mr. TAWNEY. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

On page 75, after line 18, insert:

"For screening doors and windows of isolating ward of Providence Hospital for minor contagious diseases, \$500."

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

The Clerk read as follows:

The unexpended balance of the appropriation for additional repairs and for furniture, and covered way connecting the main building of Garfield Memorial Hospital with the new children's ward, is hereby re-appropriated and made available for such furnishings and equipment, of whatever kind, as may be found by the hospital directors to be necessary to put the new children's ward in proper condition for use by patients.

Mr. TAWNEY. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 76, line 4, after the word "made," insert the word "immediately."

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

The amendment was agreed to.

The Clerk read as follows:

For the payment by the Garfield Memorial Hospital on account of the purchase of the land described as lots 294, 295, 296, 297, 298, and 299 on the subdivision of part of Mount Pleasant as the same appears in Liber (county) 14, at folio 25, in the office of the surveyor of the District of Columbia (the same real estate as that described in the deed from Schneider and others to the hospital of April 30, 1909), \$25,000, to be drawn by the board of directors of the hospital and applied by them exclusively and only to the object herein stipulated, and to be paid one-half from the revenues of the District of Columbia and one-half from the Treasury of the United States.

Mr. MACON. Mr. Chairman, I reserve the point of order on the paragraph for the purpose of obtaining some information from the chairman of the committee as to who purchased these lots and by what authority they were purchased.

Mr. TAWNEY. Mr. Chairman, I can not hear the gentleman. The CHAIRMAN. The committee will be in order.

Mr. MACON. Mr. Chairman, I am afraid to speak loud for fear some newspaper correspondent will report me as being mad, and, perhaps, that I have been threatened with the mace. [Laughter.]

Mr. TAWNEY. Oh, no; the gentleman from Arkansas never gets angry.

Mr. MACON. Mr. Chairman, I want to obtain information from the chairman of the committee as to who authorized the purchase of these lots. They seem to have been purchased before an appropriation was made for them. I do not know who authorized their purchase. Who made the purchase?

Mr. TAWNEY. Congress authorized the purchase.

Mr. MACON. And made no appropriation therefor?

Mr. TAWNEY. I will state to the gentleman that I was mistaken. These are the facts: Mr. Justice Harlan, of the United States Supreme Court, is one of the trustees; in fact, is the chairman of the board of trustees. They submitted a year ago an estimate for the purchase of this land which the Committee on Appropriations at that time did not see fit to recommend, which was not taken exception to by the hospital people at that time. Subsequently, conditions arose which made it necessary for the trustees to purchase this land in order to prevent its being purchased for building purposes, which would have materially interfered with the hospital and the use of the property of Garfield Hospital for hospital purposes. As a matter of self-protection, therefore, the trustees purchased the property, giving their note for the sum, with the understanding that at this session of Congress they would again urge upon Congress the purchase of this land. Now, the deed is in the possession of the Garfield Hospital trustees, and in view of the fact that the property was purchased at such a low cost, as represented to the committee by Mr. Justice Harlan, and in view of its being absolutely necessary for the use of the hospital, the committee recommended appropriating the money to take up the note which they gave at that time in order to save the property for the use of the hospital.

I will say also to the gentleman from Arkansas that it has always been the policy of the Congress to encourage these two private hospitals, because it is more economical to the District and to the Government to have these private hospitals equipped so as to accommodate the needs of the District of Columbia than it would be to erect a large and expensive hospital at public expense. Now, that is the reason why Congress has from time to time appropriated money to aid these hospitals to develop and increase their capacity to meet the increased demand from time to time of the District.

Mr. FOSTER of Illinois. Does this land adjoin the grounds of the hospital?

Mr. TAWNEY. I will say also that under the general law the United States is secured by a first lien on this property; should it ever be abandoned for hospital purposes the property will revert to the Government of the United States. I now yield to the gentleman from Illinois.

Mr. FOSTER of Illinois. Does this land adjoin the present hospital grounds?

Mr. TAWNEY. Oh, yes; it is part of the grounds on which the present hospital is located, and that was the reason why it was so necessary to obtain possession of it last summer or last fall when it was proposed by the owners to sell to private parties for residential purposes.

Mr. MACON. Mr. Chairman, I will not insist upon the point of order in this particular instance, though I am tempted to do so for fear that this is a bad practice to inaugurate.

Mr. TAWNEY. Will the gentleman from Arkansas permit me to interrupt him just a minute? I want to ask him if he is not aware of the fact that there is a scheme on foot here, and has been for a number of years, to erect a municipal hospital at a cost of three and a half million dollars, with a large organization involving great expense for maintenance. Now, the purpose of encouraging these hospitals is to afford the facilities necessary to supply the District and avoid the expenditure of the vast sum of money that would be required.

Mr. MACON. Mr. Chairman, I stated that I did not think I would insist upon this point of order, though tempted to do so, because it strikes me that it is a bad practice to allow private owners of property who have applied to Congress for an appropriation to purchase land or lots, and then, when the committee, after investigation, concludes that it is not a worthy project and refuse to make the appropriation, permits those private owners to buy the land or lots and afterwards gets Congress to appropriate to pay for them. It strikes me as being rather a loose practice in matters of this kind; but the chairman insists that this is a very important matter, that the lots were purchased at a reduced price, and that the Government is desirous of encouraging these private institutions in order to prevent, if possible, a great outlay of money for the construction of a municipal hospital. I will accept his statement in regard to the appropriation as being in the interest of economy and withdraw the point of order.

The CHAIRMAN. The gentleman from Arkansas withdraws the point of order, and the Clerk will read.

The Clerk read as follows:

To aid the Children's Hospital on account of addition to and alterations and improvements of building, and for furnishings and equipment, of whatever kind, in the discretion of the board of directors, to be paid to said directors, and to be applied by them exclusively to the objects named herein, \$25,000, one half of which sum shall be paid from the revenues of the District of Columbia and the other half from the Treasury of the United States.

[Mr. MORGAN of Missouri addressed the committee. See Appendix.]

The Clerk read as follows:

For subsistence, namely: Pay of commissary sergeants, commissary clerks, porters, laborers, bakers, cooks, dishwashers, waiters, and others employed in the subsistence department; the cost of all articles purchased for the regular ration, and the subsistence of civilian employees regularly employed and residing at the branch, their freight, preparation, and serving; aprons, caps, and jackets for kitchen and dining-room employees; of tobacco; of all dining-room and kitchen furniture and utensils, bakers' and butchers' tools and appliances, and their repair not done by the home, \$253,000.

Mr. COX of Ohio. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

After line 13, page 78, insert:
"And for the additional expense of articles purchased for the regular ration, \$50,000."

Mr. TAWNEY. Mr. Chairman, I reserve a point of order on the amendment.

Mr. COX of Ohio. Mr. Chairman, at the session yesterday afternoon the Speaker of the House took the floor and appealed to the patriotism of every Member by reminding us of the obligations which are cast upon every citizen of this great, prosperous country. You will recall that he spoke of our resources and wealth, and urged Congress to provide generously for certain parts of the public service. He also called attention to the vast extent of our territory. I refer to what the Speaker of this House has said for the reason that he is more eloquent than I am and for the further purpose of giving force to what I have to say. I want to remind my colleagues, however, that had it not been for the 20,000 men now living in the national military homes of this country, we would not have our present vast extent of territory, and our domain would not run to-day from 49° north, as the Speaker has pointed out specifically, south to the Gulf.

Now, following the Speaker's contention down to what he often calls the final analysis, I want to remind my colleagues on this floor that this great, prosperous country, so rich in resources, is giving to its heroes in the soldiers' homes a ration which in cost averaged last year 13 cents plus. In one home it ran as low as 11 cents per capita per day. A few days ago

I called the attention of this House to the fact that in a hearing before the Committee on Appropriations it was developed that the ration cost in one of the federal penitentiaries was as ample as the ration cost last year in one of the national military homes.

Under the law the Inspector-General of the War Department each year makes a thorough inspection of these institutions. In the report which Inspector Brewster submitted to this Congress he advised us that the food provision is inadequate and that it should be increased. I take great pleasure in referring now to the fact that the members of the national military homes no longer represent section, but that there are now, as members of these homes, sons and grandsons of the men who led Pickett's charge at Gettysburg and the men who made that brilliant dash up Lookout Mountain in the South.

The boys of the North and the boys of the South who, shoulder to shoulder, made the charge up San Juan hill, are now living contentedly in these homes; and I insist that the ration cost should be ample.

I want to call attention to another statement made yesterday by the Speaker. Turning over to this side of the House, he said, with reference to the item of presidential expense:

I would risk my soul's salvation on the statement that in the State of Georgia, or the State of Missouri, or any other State in the Union, you can not find one man, woman, or child out of ten that would indorse such action upon your part.

I am willing to risk my chance of salvation upon the statement that not one constituent of any Member of this House, no matter which side he is on, will indorse this sundry civil bill, which carries an increased ration of \$10,000 for the animals in the Zoological Garden at Washington, and does not carry an additional penny for the ration of the soldiers in the national military homes. And I submit to my colleagues that this amendment, which will only increase the ration cost to about 16 cents per day per capita, should be indorsed. [Applause.]

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

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. ANTHONY. Mr. Chairman, I ask that it be extended five minutes.

The CHAIRMAN. The gentleman from Kansas [Mr. ANTHONY] is recognized.

Mr. ANTHONY. Is it the purpose of the gentleman's amendment to provide additional funds to increase the rations allowed the old soldiers at the Central Branch?

Mr. COX of Ohio. Yes, sir.

Mr. ANTHONY. What is the basis for the gentleman's statement? Is it a fact that the soldiers at that home are not fed as well as they are at other homes?

Mr. COX of Ohio. A statement of the quarterly menu, as carried in the annual report of the Board of Managers, shows beyond any question that the men at the Central Branch are not fed nearly so well as the men in any of the other branches. And I believe in that connection that my colleague from Kansas has himself made comparison of the meals.

Mr. ANTHONY. The reason I called the gentleman's attention to the fact was that, in looking at the menus at the Central Branch and at some of the other branches, there seems to be no question about the fact that the soldiers at the gentleman's home do not have as large a bill of fare to select from as at some of the other branches, and I believe there certainly is ground for looking over these reports in connection with the proposition to increase the amount of money available for subsistence in the Central Branch. I think the gentleman should secure it.

Mr. TAWNEY. Mr. Chairman, the amendment of the gentleman from Ohio is one that I can not quite understand or ascertain what the effect of it will be. It reads:

And for additional cost of articles purchased for the regular ration, \$50,000.

Now, is the \$50,000 to appropriate the amount of the difference between the present cost of the ration and the cost of that ration some time past, or is it for the increased cost of the ration, and is this to meet the increased cost on the theory that the regular ration will amount to the same; that is, that the substance of the ration will be the same hereafter as it has been before; but that because of the increased cost of that ration it is necessary to appropriate \$50,000 additional? Or is it for the purpose of enabling the governors of these homes to increase the ration so as to include articles that are not now included?

Mr. COX of Ohio. The language of the amendment is substantially taken from the phraseology of the paragraph itself. The purpose of the amendment is simply to provide for more food. Whether the amount of food has been reduced because

of an increase in the cost, I do not care to say, but the amendment is simply to provide more food for the men.

Mr. TAWNEY. I call the attention of the gentleman to the fact, then, that the gentleman's amendment, if it is agreed to, will not accomplish the purpose he has in mind. If the gentleman wants to increase the ration and to provide for additional cost, then he should increase the appropriation for that ration.

Mr. COX of Ohio. I did not add the \$50,000 to the \$253,000 for the simple reason that the additional amount could then have been expended for other purposes named in the paragraph. I wanted it applied to the specific item of food, and I think that the gentleman from Minnesota will agree that it provides that.

Mr. TAWNEY. I will say to the gentleman frankly that I can not agree that it does that. I think the gentleman, if he will stop and consider the language of the amendment, will agree with me that it does not. I want to say that if it is necessary, if, in the judgment of the gentleman from Ohio, the ration is short and he wants to increase it so as to include the articles of food not now included, no matter how much money he will appropriate for that purpose, as long as it is in the discretion of the governors or the Board of Managers they will give only such ration as, in the judgment of the board, they are entitled to.

Mr. COX of Ohio. I would call the attention of the gentleman from Minnesota to this fact: Congress has not been giving a great deal of attention to the national military homes, but I think in the future Congress will give more attention to them. The gentleman himself is aware of the report made by Inspector Brewster, in which he stated that there should at least be added to the evening meal a bowl of milk for these old men. He says they have not enough to eat.

Mr. TAWNEY. Well, the gentleman from Ohio will admit that that is a matter of administration, entirely within the discretion of the Board of Managers. Now, under the law, the board is authorized to prescribe rules and regulations for the administration of the homes. That is placed entirely within the discretion of the Board of Managers, and when the gentleman undertakes, by specific language, to appropriate money for this purpose, of course to that extent he is interfering with the exercise of this discretion or putting limitation upon the administration of the homes, which, under the law, they have absolute discretion in administering.

Mr. ANTHONY. Will the gentleman answer a question?

Mr. TAWNEY. I will if I can.

Mr. ANTHONY. The gentleman will admit that the Board of Managers are under the control of Congress?

Mr. TAWNEY. No; I do not.

Mr. ANTHONY. I inferred that from your own statement.

Mr. TAWNEY. Not at all; but I do say that until the law is changed the discretion in respect to the administration of these homes is now vested by the law in the board and can not be changed or restricted by an appropriation.

Mr. ANTHONY. But the gentleman from Ohio asks for a specific sum for a specific purpose.

Mr. TAWNEY. Yes.

Mr. ANTHONY. I do not see that that is any limitation.

Mr. TAWNEY. And to that extent it nullifies their discretion. The effect of this amendment is to require the Board of Managers to increase the ration. That would be in conflict with the discretion they now have of making that ration anything they see fit.

Mr. COX of Ohio. Will the gentleman yield?

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. COX of Ohio. I ask that the gentleman be given five minutes more.

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

Mr. COX of Ohio. Is it your contention that if Congress appropriates an additional sum for the purchase of more rations, that the Board of Managers would pay no attention to the sense of this House in making that appropriation?

Mr. TAWNEY. I do not say that the Board of Managers will not, but they may; and they would be justified in doing it under the law.

Mr. COX of Ohio. The Board of Managers are directly under the control of Congress. If the Board of Managers is not disposed to respect the instructions from this House in this instance, then it is a very peculiar organization, and the sooner we ascertain its methods of operation the better.

Mr. TAWNEY. The gentleman from Ohio knows very well that under the law creating the Board of Managers of the Soldiers' Home the administration of those homes is left entirely within their discretion, under rules and regulations to be

prescribed by them; and when the gentleman offers an amendment to an appropriation bill which in any way changes or conflicts with that discretion it is not in order.

Mr. COX of Ohio. Then it is your contention that when we seek to buy ample food for the soldiers, to the amount indicated by the Inspector-General of the War Department, you characterize that as an interference with an administrative body?

Mr. TAWNEY. I characterize it as interfering with the discretion or restricting the discretion of the Board of Managers under the law. Now, the gentleman, if he thinks these rations are short, can very easily meet the question by increasing the appropriation which is to be expended under the discretion of the Board of Managers.

Mr. COX of Ohio. That appropriation takes in other items.

Mr. TAWNEY. Certainly it does.

Mr. COX of Ohio. The only way I could reach it was to specify that the amendment provides for food.

Mr. HITCHCOCK. Mr. Chairman, if the gentleman from Minnesota will permit me, I would like to ask if a substitute for the amendment proposed by the gentleman from Ohio would be satisfactory in placing the amount named in the paragraph \$303,000, provided that not more than the amount heretofore expended shall be expended for any purpose now in this paragraph except for rations, and the additional expenditure for rations shall not exceed \$50,000. Would that be satisfactory?

Mr. TAWNEY. The gentleman's proposed substitute would be simply an increase of appropriation.

Mr. HITCHCOCK. And providing that none of the increase shall apply to other items except rations.

Mr. TAWNEY. I do not think that would be in order.

Mr. HITCHCOCK. It would be a limitation.

Mr. TAWNEY. It would be a change of existing law.

Mr. HITCHCOCK. Mr. Chairman, I offer this as a substitute for the amendment offered by the gentleman from Ohio.

Mr. TAWNEY. Let the substitute be reported.

The Clerk read as follows:

Amend, on page 78, line 18, so as to read:

"Three hundred and three thousand dollars: *Provided*, That not more than the amount heretofore expended shall be expended for any purpose named in this paragraph, except for rations, and the additional expenditure for rations shall not exceed \$50,000."

Mr. TAWNEY. On that I reserve a point of order.

Mr. KEIFER. Mr. Chairman, I think the thing sought to be accomplished by my colleague from Ohio is an additional appropriation to increase the rations at the soldiers' homes. I think some criticism might be made on the form of the proposed amendment, and I would suggest that he modify it so as to read something like this:

And for the increase of rations for the inmates of the regular soldiers' home, \$50,000.

That would limit the \$50,000 for a particular purpose; that is, not to withdraw any appropriation proposed to be made in the bill from use in the purchase of rations, but adding \$50,000 to that, or whatever it may be. If the matter of getting additional articles of food is sought, it will go to the question of good, sufficient, and suitable articles of food for the inmates of the soldiers' homes.

Mr. COX of Ohio. The gentleman uses the term "regular soldiers' home."

Mr. KEIFER. No.

Mr. COX of Ohio. There is a distinction between the regular and the national home.

Mr. KEIFER. The word "regular" is not essential. I mistook a word that was used in the gentleman's amendment. What I am trying to do is to get an amendment, if it is to be adopted, that will give a specific sum for a specific use in addition to that that is already proposed to be provided for in the bill.

Mr. COX of Ohio. I want to submit to the gentleman from Ohio that this objection to the phraseology might be captious—not referring to the gentleman from Ohio at all—but introduced purely for the purpose of defeating the main purpose of the amendment itself.

Mr. KEIFER. I think not. So far as I am concerned, I am in sympathy with the gentleman, provided it is necessary. My object is to have a proposition that will work out and accomplish the object which the gentleman desires to be accomplished.

Mr. COX of Ohio. My amendment provides for \$50,000 additional to buy food, and is as simple as language can make it.

Mr. KEIFER. I will read your amendment:

For additional cost of articles purchased for regular rations, \$50,000.

You might pay more and yet not get any more.

Mr. COX of Ohio. The paragraph which this seeks to amend carries this phraseology, "Cost of all articles purchased for

regular rations," and this \$50,000 is in addition to the cost of the rations.

Mr. KEIFER. I think if the words "cost of" were stricken out, the gentleman's amendment would be all right; so that it would read "for additional articles to be purchased for the regular rations," and that would cover exactly what the gentleman wants.

Mr. COX of Ohio. Mr. Chairman, I ask unanimous consent to modify my amendment to that extent.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to modify his amendment, which is pending subject to a point of order reserved against it, as follows.

The Clerk read as follows:

After line 13, page 78, insert:
"And for additional articles purchased for the regular rations, \$50,000."

Mr. TAWNEY. On that I reserve the point of order.

The CHAIRMAN. The gentleman from Minnesota reserves the point of order.

Mr. KEIFER. Mr. Chairman, I entered into a colloquy and would like to occupy two or three minutes more. While I am not certain that there is any shortage in the quantity of rations furnished generally at these homes, and it may be that the quality is good, yet if there is any danger at all that these men are not in their old age well fed, given good food and plenty of it, I am quite satisfied that this amendment should be adopted. I can not go into the question from a personal knowledge as to whether they are now well cared for in the different homes or not, but we ought to make no mistake in this direction.

Mr. COX of Ohio. Will the gentleman yield?

Mr. KEIFER. Yes.

Mr. COX of Ohio. The Inspector-General's report shows that the ration cost is 13 cents; that in some of the homes last year it ran as low as 11 cents per day per capita. The gentleman himself knows that before a subcommittee of which he is a member the information was adduced that this ration cost of 11 cents was as low as the ration cost at the federal penitentiary at Atlanta. Inspector Brewster further recommends that additional food be purchased for the men.

Mr. KEIFER. So far as that is concerned, Mr. Chairman, we had testimony before the Committee on Appropriations showing, I think, that the highest cost of taking care of prisoners at the military prison at Leavenworth was about 18 cents, and I think the gentleman from Georgia [Mr. LIVINGSTON] will bear me out in saying that the testimony taken with reference to the cost of the ration per day at the federal prison at Atlanta was 11 cents, and I am quite sure that he testified in his capacity as a member of the committee, saying that they were well fed down there. But these things do not influence my mind at all. I am perfectly willing that abundance should be appropriated for the purpose of paying, if we must, three times that much, and I think the proposition of the gentleman from Ohio should prevail.

Mr. COOPER of Wisconsin. Will the gentleman yield for a question?

Mr. KEIFER. Yes.

Mr. COOPER of Wisconsin. Eleven cents a day is less than 4 cents a meal. What do they buy to feed soldiers or ex-soldiers or old veterans on at less than 4 cents a meal?

Mr. KEIFER. I can not answer that question.

Mr. COOPER of Wisconsin. Well, it ought to be answered right here.

Mr. ANTHONY rose.

Mr. KEIFER. I am only stating what the gentleman from Kansas [Mr. ANTHONY] may know more about than I. It looks to me, as it does to the gentleman from Wisconsin, that the amount is too small.

Mr. COOPER of Wisconsin. Why, it is 3 cents and a fraction a meal.

Mr. ANTHONY. Mr. Chairman, here is the point: The food at the different homes does differ in quality and amount. Just take on one day, September 30, 1908, for the Sunday dinner at the Central Branch, which is the branch the gentleman from Ohio [Mr. Cox] speaks of, to be found on page 120 of the report of the board. The Sunday dinner consisted of mutton stew, pie, bread, oleomargarine, and coffee. On that same day, that same Sunday dinner, at the Leavenworth Home the old soldiers got roast beef, mashed potatoes, buttered beets, tapioca pudding, pickles, bread, butter, and coffee—almost twice as much and twice as great a variety.

Mr. BARNHART. That is the Sunday dinner.

Mr. COOPER of Wisconsin. It does not strike me that what the gentleman read is very much of a meal to furnish as a Sunday dinner to a man who risked his life to help save this

Nation. For instance, the gentleman from Kansas read "mutton stew"—

Mr. ANTHONY. And pie.

Mr. COOPER of Wisconsin. Well, the word "pie" will cover a multitude of evils—bread and oleomargarine. There are many grades of oleomargarine and several of these are not fit to eat. Think of that! Mutton stew, pie—which means anything you can label "pie"—bread, and oleomargarine.

Mr. ANTHONY. And coffee.

Mr. COOPER of Wisconsin. And that also means anything. Three cents and a fraction a meal in these days when prices of food have risen 25 to 30 per cent! Now, I take it that there may be something of truth in the charges of the gentleman from Ohio [Mr. Cox] that in some of these homes these old veterans have not been properly nurtured. That was a Sunday dinner, a sample meal.

Mr. FOSTER of Illinois. If that was a Sunday dinner, it was supposed to be a little better than on week days.

Mr. COOPER of Wisconsin. Apples are 5 cents apiece in this town.

Mr. FOSTER of Illinois. If that is a Sunday dinner, what would it be on week days? On week days probably they did not have that much.

Mr. COOPER of Wisconsin. They had the stew without the mutton.

Mr. FOSTER of Illinois. They had the stew without the mutton, that is practically it.

Mr. COX of Ohio. Mr. Chairman, I introduced into the RECORD about a week ago a comparison of the menu of the Dayton Home and the Dayton jail, and the food is more abundant in the Dayton jail than it is in the Dayton Home, and I say to my colleagues on this floor that the men in the Dayton Home are not getting enough to eat.

Mr. COOPER of Wisconsin. Mr. Chairman, a statement of facts like that can not idly be passed over. It means something to people who remember with gratitude the services of the veterans of the Union Army. The greatest service ever rendered the Nation since the foundation of the Republic was rendered by the men who saved it; and when gentlemen say that it costs to feed these veterans only 11 cents a day—

Mr. CRUMPACKER. Will the gentleman yield?

Mr. COOPER of Wisconsin (continuing). And that there are constant complaints coming from these soldiers' homes of insufficient food and of improper food, we ought to have something like the detailed facts. What we want and all we want here is accuracy of information and truthfulness of statement, and I would like to know before I vote on an appropriation of this kind just what the facts really are.

Mr. CRUMPACKER. Mr. Chairman, I move to strike out a word or two. Now, in relation to the standard and cost of maintenance of members of national military homes there may be a great deal of misunderstanding. I am sure that every man, every citizen of the United States, expects this Government to make ample provision for the comfortable maintenance of every veteran in the national military homes. I am sure that every Member of Congress desires to make adequate provision for the homes, and if we have not done it, it is because we have not understood their requirements. No appropriation that has been proposed or submitted to Congress with that end in view has been turned down, and I do not understand why the managers of these homes should provide inadequate food or insufficient subsistence. They know they can obtain all the money that is necessary to take care of all the veterans of the civil war in soldiers' homes. They only need to make their estimates in order to get the appropriations necessary, and I do not understand why the condition of things exists, if that condition has been correctly stated here.

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

Mr. CRUMPACKER. I will yield for a question.

Mr. BARNHART. I can answer the question you have just asked why these bills of fare are not more liberal or broader, and it is because the attending physicians in charge of the institutions provide these bills of fare, and they provide them in such a way as to endeavor to maintain the largest possible range of health in the institution, but in doing that they curtail these bills of fare, the same as they do in state benevolent institutions, to such an extent that they have to live on the plainest and simplest kind of food in order to maintain what the physicians insist would be good health, and they have made it so very simple and so very plain that there is constant complaint; and they have the right to complain, because in the state institutions of Indiana it costs about 21 cents a meal to maintain the inmates.

Mr. CRUMPACKER. Mr. Chairman, I have never heard any complaint about the fare at any soldiers' home, national

or state, by men who have been members of those homes. The members of national military homes are old men, many of them in poor health. These institutions are more like hospitals than they are like homes, and the amount of food that each member of one of those institutions consumes is not the average amount of food that may be consumed by a man in health.

There is another thing. The estimated cost of 11 cents a day, I understand, is the cost of the raw material. It does not include heat, preparation, cooking, or serving.

Mr. TAWNEY. Let me correct that statement. It is not 11 cents; it is 13 cents.

Mr. CRUMPACKER. The cost is simply of the raw material. We must bear in mind that they do not go down on the streets to the fruit stands and buy apples by the nickel's worth, paying 5 cents for each apple. They buy them by the quantity and under contract, and the average amount that one member of a home may consume in a day will appear to us who are paying for living in the city of Washington ridiculously small.

In the city of Valparaiso, in Indiana, in which I live, I was invited to a banquet two years ago where the price was 10 cents a plate, and it was a first-class banquet, too.

Mr. OLcott. Did that include wine?

Mr. CRUMPACKER. It did not include wine. It was a four-course banquet, and 10 cents a plate covered the cost of everything. There were 400 at that banquet. That institution five weeks ago gave a banquet at 15 cents a plate.

Mr. OLcott. Was the increase of price caused by the Payne-Aldrich tariff bill?

Mr. CRUMPACKER. I think the increase of price was caused by the standard of the banquet, because it was given in honor of a man so distinguished as the ex-Secretary of State, Mr. John W. Foster. The manager of that institution gave a detailed statement of the cost after each course, showing how the material was bought, the cost of purchase, the cost of preparation, the cost of service, the overhead charges, and the underfoot charges. It was a complete analysis of the cost. It was a good banquet. It was written up in a long article in McClure's Magazine in March, 1908.

Mr. ADAIR. Was there any lamb in the stew?

Mr. CRUMPACKER. They did not have lamb stew. I suggest that the 13 cents a day as pay for the raw material, where potatoes, cabbage, and apples and meats and that sort of thing are bought in large quantities under contract, and when the 13 cents a day applies only to the original cost of the raw material and does not include anything for the maintenance or overhead charges or anything of that sort, it may be, perhaps, not out of the way.

Mr. COX of Ohio. Will the gentleman yield?

Mr. CRUMPACKER. I will yield for a question.

Mr. COX of Ohio. The ration cost of the home at Marion, Ind., is 14 cents. Is the gentleman opposed to an increase of that ration?

Mr. CRUMPACKER. I am not opposed to anything that is necessary. I am simply making some observations here so that we may have a better understanding of the reports of these institutions. I am in favor of appropriating all the money that is necessary to maintain these military homes upon such a standard that every member of them may be supported in comfort and may be provided with all the necessities of life; and if we are not doing it now, we ought to do it. But these statistics may be misleading. I repeat now that a suggestion that the ration cost is 13 cents a day looks astonishing to a man who lives at a Washington hotel; and yet, when you come to analyze it, it may not be out of the way. I do not know. When you come to consider the fact that it is the cost of the original material, bought in large quantities under contract, and does not include any other cost—the cost of preparation, fuel, heat, maintenance of the establishment, and so forth—it may not be so far out of the way. Let us not now be misled by these statistics. We ought to carefully investigate this question.

I want to repeat that if an additional appropriation is necessary, I am for it; but I think the House ought to be convinced that it is necessary before making it.

The CHAIRMAN. The time of the gentleman has expired.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. YOUNG of New York having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 1997. An act to limit and fix the compensation of the appraiser of merchandise at the port of San Francisco; and

S. 4180. An act to authorize the extension and enlargement of the post-office building in the city of Lincoln, Nebr.

SUNDAY CIVIL APPROPRIATION BILL.

The committee resumed its session.

Mr. YOUNG of New York. Mr. Chairman, I have listened with a good deal of interest to this discussion, and especially to the remarks of the gentleman from Indiana; but the question is whether or not the old soldiers in the Dayton Home should have sufficient and proper food. The statement has been made by the gentleman who offered the amendment that the prisoners in the jail at Dayton are supported at a cost of about 21 cents per day, while those in the home are maintained at a cost of 14 cents. Now, I contend that it is utterly impossible under any circumstances in this country to give proper nourishing food at 4½ cents per meal; and I believe that this amendment should prevail.

Mr. CRUMPACKER. Before the gentleman sits down, let me see if he understands the situation from the same point I do. The gentleman says at a cost of 14 cents; but that is not the cost of the meal, but the material bought in quantities, under contract, and that is the average cost of each member of the home, while perhaps one-third of the members of the home are in the hospital and consume but very little food.

Mr. YOUNG of New York. I would say that those in the hospital as a general thing should have better food, if possible, than those not in the hospital.

Mr. CRUMPACKER. That is true; but a man who is sick does not eat the quantity that a well man does.

Mr. YOUNG of New York. Certainly he does not; but it is more expensive food.

Mr. CRUMPACKER. If the gentleman can convince me or this House that the soldiers in the Dayton Home are not being adequately supplied with food, good wholesome food, I am sure every Member of the House will vote for an increase in the appropriation.

Mr. YOUNG of New York. I want to say to the gentleman that I do not believe, under any circumstances, raw food can be bought for the maintenance properly of any man in that or any other institution of the country at 4½ cents a meal.

Mr. CRUMPACKER. Has the gentleman ever had any experience in feeding a large number of people?

Mr. YOUNG of New York. I have.

Mr. CRUMPACKER. I have not, and perhaps the gentleman is right.

Mr. YOUNG of New York. I want to say now that it has been brought out sufficiently clear that in the other homes the expense of maintenance is greater than in Dayton. I believe that the bill of fare as read here indicates that their food is not sufficient.

Mr. CRUMPACKER. There is about 2 cents difference in the Marion Home greater than the Dayton Home; but 2 cents a day is not much as between 12 and 14 cents. Two cents a day would not supply many table luxuries.

Mr. YOUNG of New York. In the institutions in New York, the prisons, hospitals, and other institutions, it costs about 21 cents per day.

Mr. CRUMPACKER. That is the cost of preparation.

Mr. YOUNG of New York. That is the cost per meal; that is included in this cost.

Mr. CRUMPACKER. And the chances are that of that entire cost a comparatively small percentage of it is the cost of the raw material. That is what this cost is supposed to refer to—not the cost of the meal, but the cost of the material that goes into the meal.

Mr. YOUNG of New York. Well, that is drawing the line pretty close. I want to say this, as a general proposition, that the soldiers in the homes should be maintained in the best manner possible, and they should have substantial food of sufficient quantity.

Mr. CRUMPACKER. I agree with the gentleman in that.

Mr. YOUNG of New York (continuing). To maintain them in health.

Mr. TAWNEY. There is nobody who disagrees with the gentleman on that proposition.

Mr. ADAIR. Does not the gentleman believe that the fact that it costs 4½ cents a meal is all the evidence that any Member of this House needs to convince him that this appropriation ought to be increased and that this amendment ought to be passed?

Mr. YOUNG of New York. That is the case. I do not believe that they can be properly maintained and fed at 4½ cents per meal.

Mr. GARDNER of Michigan. Will the gentleman permit one question?

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. GARDNER of Michigan. I ask that the gentleman's time be extended for three minutes.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent that the time of the gentleman from New York be extended for three minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. GARDNER of Michigan. I would like to ask the gentleman from New York if he knows what it costs to support men in the army a day each for their food.

Mr. YOUNG of New York. I do not.

Mr. GARDNER of Michigan. What would the gentleman think would be a fair cost for a man in perfect health and exercising vigorously?

Mr. YOUNG of New York. I have no information on the subject.

Mr. GARDNER of Michigan. It costs 20 cents a day for a man in perfect health who is drilling and in prime condition for service.

Mr. DOUGLAS. The gentleman says about 20 cents a day.

Mr. FITZGERALD. It is 21 cents and a fraction.

Mr. DOUGLAS. How big is the fraction?

Mr. FITZGERALD. It is less than 22 cents.

Mr. GARDNER of Michigan. That is not far out of the way. You take the difference between a young man in perfect health and condition, compelled by virtue of his vocation to exercise vigorously, and who is kept in that condition because he is bound to be fit for duty, if he can live on 21 cents a day, what can a man in the decline of life, who does not require nearly as much food as a man in early life, live on?

Mr. YOUNG of New York. I think the Government buying in very large quantities has an advantage and is able to buy cheaper than can these institutions under consideration.

Mr. FITZGERALD. They are buying food for 21,000 men in these institutions.

Mr. COX of Indiana. May I ask the gentleman if he can inform the committee what the rations cost in the federal prison?

Mr. YOUNG of New York. I have no information on that subject.

Mr. KEIFER. It was stated before our committee that the average cost at Atlanta was eleven and a fraction cents, and I think at Fort Leavenworth it was 17 cents.

Mr. TAWNEY. I want to say that the average cost at Atlanta was 11 cents, but there the men were engaged in hard labor each day.

Mr. COX of Indiana. What is the average cost at the military prison?

Mr. TAWNEY. In the military prison it was about 18 cents a day; but there was a surplus, as I explained to the House during the consideration of the urgent deficiency bill, that was paid to the men in cash, or was supposed to be paid to them in cash.

Mr. COX of Indiana. Deducting the surplus, what was the cost?

Mr. TAWNEY. About 11 cents a day. I want to say to the gentleman from Indiana that there has been a great deal of misinformation given out on the floor regarding the cost of rations at soldiers' homes. At the Central Branch it is 14.4 cents a day; at the Northwestern Branch, 15 cents; at the Eastern Branch, 15 cents plus; at the Southern Branch, 14 cents; at the Western Branch, 15 cents plus; at the Pacific Branch, 15 cents plus; at the Marion Branch, 15 cents plus; at the Federal Branch, 13 cents; at the Mountain Branch, 16 cents plus; at Battle Mountain Sanitarium, 22 cents plus. So that they range all the way from 14 cents to 22½ cents a day. Now, Mr. Chairman, the Committee on Appropriations has recommended the appropriation of all the money for this purpose that the Board of Managers has asked for. The gentleman has said that a great deal of this appropriation may be expended for other purposes.

The total cost of all the articles purchased for the regular rations during the last fiscal year was \$217,498, out of a total appropriation of \$253,000. Only \$35,502 of the total amount is expended for any other purpose whatever.

Mr. Chairman, it is easy for us to make statements on this floor without knowing the exact conditions under which these rations are purchased; without taking into consideration the fact that the cost is only the cost of the materials, with nothing for service, nothing included for preparation; no element of cost outside of the cost of raw material is included in the cost of these rations.

Now, who is in charge of these old soldiers' homes, and why should they not afford to the inmates of these homes all of the food necessary to make their conditions as pleasant for them as possible? The inmates of these homes were the men who served during the war with the governors of the homes. The man who is at present chairman of the Board of Managers is himself an ex-Union soldier, the son of one of the greatest generals of the Union Army during the rebellion, a former Member of this House, James W. Wadsworth, of New York.

Mr. COX of Ohio. Is the gentleman aware of the fact that the potential figure on that board was never in the service?

Mr. TAWNEY. I do not know who the gentleman refers to as the potential figure. I know James W. Wadsworth, of New York, was in the service, as well as his father.

Mr. COX of Ohio. I know, and every governor says, that William E. Elwell is the potential figure, and he would not know a soldier if he saw one.

Mr. ANTHONY. Will the gentleman from Minnesota yield?

Mr. TAWNEY. No; I can not at present. My statement was that the governors in charge of these homes, in every case, served with the men who are in the homes. I say it is preposterous for us to stand here and criticise these men without knowing what the facts are, without knowing the conditions, or even taking into consideration such facts as we do know.

Mr. COX of Ohio. Will the gentleman yield?

Mr. TAWNEY. Yes.

Mr. COX of Ohio. When I went into the subject of the management of these soldiers' homes I spoke in compliment of every governor at these institutions. I referred to their signal service as soldiers, to their splendid citizenship, and I said that the main difficulty was that these governors were deprived of discretionary rights in emergency cases.

Mr. TAWNEY. Mr. Chairman, if that is so, no complaint has ever come to the Committee on Appropriations from a single one of these governors, either directly or indirectly.

Mr. COX of Ohio. How long would the governors last if they did?

Mr. TAWNEY. The Members of the House here are acquainted with some of these men. Take the governor of the Marion Branch, in Indiana, General Steele, a man that many of us have served with in this House. We know him to be a man of the highest integrity, a man whose heart is so big and so generous he could not do any man a wrong, a man who would not under any circumstances permit without a protest the Board of Managers to do anything that would interfere with the comfort or with the health of the inmates of the home presided over by him. So it is with General Henderson, the governor of the home at Danville, a man who has had long service in this House, a man with a record of brilliant service in the army, a man who is in touch constantly with the conditions in that home; and I say, therefore, that there is absolutely no justification for criticism of these men, and it is not to be presumed that these men would neglect their comrades in arms to the extent that has been stated on this floor time and time again during this debate.

The CHAIRMAN. The time of the gentleman has expired.

Mr. COX of Indiana. Mr. Chairman, I ask unanimous consent that it may be extended for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. COX of Ohio. If the gentleman at some time or other will call before his committee men from the Inspector-General's office of the War Department, he will get some information which might be startling in that connection.

Mr. TAWNEY. We had the report of the Inspector-General before us.

Mr. COX of Ohio. And in that connection a gentleman in that department told me within a month that the governors complained about arbitrary orders from headquarters in New York. The gentleman asked the question whether any of these governors have permitted any of these men to suffer. It is a matter of record in the proceedings of this House that a man who served four years died in the rain just outside of the gates at the Hampton Home, and the governor did not have the discretionary right to admit him.

Further than that, within a week the resident manager at Dayton told me that he was at the local home recently and saw them turning from headquarters a man who was so sick that he looked as though he would die. The governor said that in the face of instructions from headquarters in New York he could not admit him. The resident manager gave instructions on the spot to send him to the hospital, because he was sick and ought to be cared for. This Congress has not been acquainted with the conditions in these homes, and the facts are, further, that the Board of Managers has misrepresented things

before the gentleman's committee, and I will show it before the day is over.

Mr. TAWNEY. Mr. Chairman, the discretion which the governor of the home has is sufficient to enable him to prevent any old soldier from suffering, whether an inmate of the home or not an inmate of the home, suffering as the gentleman has described, and if he did not do it, it is because of some reason other than that mentioned by the gentleman from Ohio [Mr. Cox].

It is easy for gentlemen to go around in the departments here and have somebody make a statement derogatory of the management of an institution not under their control, but I submit that Congress has never yet enacted legislation upon hearsay testimony of that kind. Never has the committee, in the consideration of the estimate for the soldiers' homes, received a letter of complaint from an inmate. No member of a committee, so far as I know—I know I have not—has received a single complaint on the part of an inmate of a home regarding the treatment which he has received. The fact of the matter is that these homes are maintained for the benefit of the old soldiers, and Congress has placed them under the control of men who, of all men, would be interested in seeing to it that their comrades while inmates of these homes were properly and fairly treated.

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

Mr. TAWNEY. I yield to the gentleman.

Mr. ANTHONY. Where is the control of these homes reposed; where is the office? Is it not the New York office?

Mr. TAWNEY. That is the office of the Board of Managers; yes.

Mr. ANTHONY. Will the gentleman tell me how much time the president of the Board of Managers and the men who are in the New York office devote to the individual homes in their charge, how many hours or how many days in the entire year they have put in at any of these homes?

Mr. TAWNEY. I am unable to say how much time they devote to a home.

Mr. ANTHONY. The number of hours and days will surprise the gentleman.

Mr. TAWNEY. I am talking about the governors. It is not supposed the managers, who serve without compensation, will give their whole time to the management of these homes; that is the business of the governors of the homes, to devote all their time to the management of the homes.

Mr. COX of Ohio. May I ask the gentleman if it is not a fact the governors are absolutely controlled by the Board of Managers?

Mr. TAWNEY. The governors are under the jurisdiction and control of the Board of Managers, but when it comes to the administration of the homes within the regulations prescribed by the Board of Managers the governors are supreme in every respect, and they have a wide latitude and are given a wide discretion in the management of the homes because of the fact the Board of Managers can not be there, or members of that board can not be there at all times, and also because the Board of Managers know that the governors of those homes are men as deeply interested as any other men in the welfare and in the comfort and in the health of their comrades who are in the homes.

Mr. COX of Ohio. But in the administration of the affairs of the homes, is it not a fact that the governors can not exceed the regulations laid down by the Board of Managers?

Mr. TAWNEY. That is true, except in exceptional cases.

Mr. DOUGLAS. Mr. Chairman—

Mr. TAWNEY. I can only yield to one gentleman.

Mr. COX of Indiana. Who fixes the ration allowance of these soldiers in these homes, the governors or the Board of Managers?

Mr. TAWNEY. Why, the governor of the home fixes the ration; the Board of Managers prescribe the ration—

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. GARDNER of Michigan. Mr. Chairman and gentlemen, I think I would be one of the last men who would assent to anything that would bring discomfort upon men with whom I marched shoulder to shoulder for over three years in the war. As I said the other day, I have been in a number of these national homes. I expect to leave for one this afternoon to deliver an address on Monday. I am going to look into the case to which the gentleman called attention the other day. I second heartily what the gentleman from Minnesota has said. I know nearly all the members of the Board of Managers personally. If I had the power to select, I do not know where I

could improve upon the personnel of the Board of Managers to whom under the law is committed these 20,000 veterans of the civil war.

Mr. COX of Ohio. Will the gentleman yield there?

Mr. GARDNER of Michigan. Briefly, if I can have my time extended.

Mr. COX of Ohio. Is the gentleman aware of the fact the Board of Managers—and I yield to no man in the high respect I hold for each individual member of that board—that the Board of Managers held two meetings at headquarters in New York last year?

Mr. GARDNER of Michigan. Now, let me say right here, each home is under the charge of a member of the Board of Managers. It is his duty to look after that home; and please remember this: This law does not allow the Board of Managers a single dollar of compensation. They give their time absolutely without money and without price.

Mr. ANTHONY. Will the gentleman yield—

Mr. GARDNER of Michigan. I know what the gentleman is going to say—

Mr. ANTHONY. They do not give enough of their time. Is it not true these gentlemen all have either large official or personal business to look after and they devote too little time to these homes? It is my impression that they do not devote time enough. They are all good men, but they are too busy to give the attention which is needed in these homes.

Mr. GARDNER of Michigan. I grant that, and I think each member of this Board of Managers ought to be reasonably compensated.

We compensate well the men charged with looking after our battle-field parks, but what is the comparison of taking care of a few national parks with the men who made the national parks possible? There are trees, lawns, monuments, and such things, without sense and without feeling, and yet here are 20,000 men that you ask these men to serve and look after without a dollar of pay. As the gentleman well says, some of the men are of large financial concerns. They do all that is to be expected of them without any compensation, and more than we have a right to expect of them.

Now, I want to say to the gentleman from Ohio, and I am willing to stand before any body of my comrades in this land and say what I say now, that there is a very small percentage of these old soldiers that are most difficult to manage. Ninety-eight per cent of them require scarcely any discipline. I have that on authority. But in a home of 5,000 men there must be discipline or your homes will be ruined. You owe it to the 98 per cent who keep the regulations that the 2 per cent shall not trample upon them to the discomfort of the whole, just as we owe to society that the 98 per cent of law-abiding people shall have the right to be protected from the 2 per cent that would, if not restrained, trample upon their rights.

Mr. COX of Ohio. Will the gentleman yield in that connection?

Mr. GARDNER of Michigan. Surely.

Mr. COX of Ohio. I assume that the gentleman is anxious to have as much information as he can on this subject, and I want to remind him that the Grand Army posts in this country have complained bitterly of the fact that the 2 per cent he speaks of has been turned outside the gates. Recommendation has been made by the Inspector-General's department that these 2 per cent be segregated for the convenience and comfort of the men and for the welfare of the 2 per cent. I want to remind the gentleman—

Mr. GARDNER of Michigan. You were to ask me a question, not to make a speech, unless I can get more time.

Mr. TAWNEY. You can not get more time.

Mr. GARDNER of Michigan. I want to read here from a report of the largest post in Ohio, at Dayton, these words:

DAYTON, OHIO, August 18, 1909.

To the President of the Board of Managers,
National Home for Disabled Volunteer Soldiers,
932-934 New York Life Building, New York, N. Y.

DEAR SIR: In view of the considerable number of insubordinate and incorrigible old soldiers in the Dayton Home; in view of a considerable number who are so incorrigible as to be intolerable, and who have therefore been justly denied the privilege of the home, and are wanderers, sleeping in the open and on porches, in outhouses, and obtaining a precarious living, being an object of pity, and making to all a peculiar plea for help; in view of the widely prevalent idea that no old soldier should ever be refused some place in a national home if he desire it; and in view of the fact that by present rules and under existing conditions there is no way of treating a chronic incorrigible: Therefore

Resolved, That we respectfully petition the honorable Board of Managers of the National Homes for Disabled Volunteer Soldiers to so modify the conditions as to set apart suitable quarters for such old soldiers as can not be controlled by the ordinary rules of the soldiers'

homes, and that for such quarters the rules be suited to chronic offenders against good order.

Respectfully submitted.

F. C. LINDSEY.

Approved.

C. M. HASSSLER,
*Post Commander of the Old Guard Post, No. 23,
Grand Army of the Republic, Department of Ohio.*

By order of the post.

W. ROBERTSON MURPHY, Adjutant.

Mr. DIXON of Indiana. What is the date of that letter?

Mr. GARDNER of Michigan. The date is August 18, 1909.

Mr. TAWNEY rose.

Mr. SULZER. I move to strike out the paragraph.

The CHAIRMAN. The gentleman from Minnesota [Mr. TAWNEY] is recognized.

Mr. TAWNEY. Mr. Chairman, I want to offer a substitute for the amendment offered by the gentleman from Ohio [Mr. Cox]. Before offering it I want to state that there are 10 homes. If there is an increase made for one that increase should apply to all, or should be made for all.

Mr. SULZER. That is the point I was coming to.

Mr. TAWNEY. And therefore I think that in view of the circumstances, if we were to increase the total appropriation and make that appropriation available for increase or addition to the regular ration for all homes, that would be the most satisfactory way to get at it. And my substitute for the whole proposition is to appropriate \$100,000 to be apportioned among the several homes and be expended with special reference to the necessities and infirmities of the members of the homes. That would give an increase of \$10,000 to each home, and that would be a very substantial increase to the regular ration for the entire year.

Mr. SULZER. Mr. Chairman, I move to strike out the paragraph.

The CHAIRMAN. That motion is not in order. A point of order is pending on the amendment.

Mr. COX of Ohio. I ask unanimous consent, Mr. Chairman, that I may modify my amendment.

The CHAIRMAN. The gentleman will state it.

Mr. COX of Ohio. I want to modify it so as to read as follows:

On page 78, in line 13, strike out the words "two hundred and fifty-three thousand dollars" and insert the words "two hundred and seventy-eight thousand dollars."

The CHAIRMAN. That is not a modification of the gentleman's amendment.

Mr. COX of Ohio. Then I offer it as a substitute.

The CHAIRMAN. The gentleman can not offer it as a substitute until the amendment is voted upon. Does the gentleman from Minnesota [Mr. TAWNEY] insist on the point of order to the amendment offered by the gentleman from Ohio [Mr. Cox]?

The gentleman from Ohio offers an amendment which, without objection, the Clerk will report.

The amendment was again reported.

The CHAIRMAN. The gentleman from Minnesota reserved the point of order on the amendment. Does the gentleman from Minnesota make the point of order against the amendment?

Mr. TAWNEY. My understanding is that the amendment is withdrawn.

Mr. COX of Ohio. I ask, then, that it be changed from \$50,000 to \$25,000.

The CHAIRMAN. That would be subject to the point of order.

Mr. TAWNEY. I ask the gentleman from Ohio to withdraw his amendment and consider one that I have offered, which applies to all homes; otherwise we will have to make a specific appropriation.

Mr. COX of Ohio. Do you make the distribution per capita?

Mr. TAWNEY. Why, certainly, the distribution should be made according to the per capita of population of the home, and with reference, also, to the condition of the inmates.

Mr. COX of Ohio. I very cheerfully accept that.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to withdraw his amendment?

Mr. COX of Ohio. Yes.

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

Mr. TAWNEY. I offer the following amendment.

The Clerk read as follows:

For the purchase of articles of subsistence in addition to the regular ration of members of the National Home for Disabled Volunteer Soldiers, to be apportioned among the several branches of the home in the discretion of the Board of Managers, and to be expended with especial reference to the necessities and infirmities of the members of the home, \$100,000.

Mr. FITZGERALD. Mr. Chairman, I think I should say that so far as I am aware the committee desired to give all the money necessary for subsistence at the soldiers' homes. In the preparation of this bill the committee called the attention of the Board of Managers to a criticism made by the Inspector-General of the rations furnished to the soldiers. The Board of Managers had a reply prepared to this criticism. It seems to me that this reply should be placed in the RECORD, to accompany the criticism made. After I had examined the statement submitted on behalf of the Board of Managers, with its explanation of the rations, with the list of articles constituting the ration, and the explanation that a large percentage of the men are not in robust health, that it is necessary to impose certain restrictions upon them in the matter of diet that would not be necessary if they were in the best of health, and explaining the method of examination of the milk supplied, I was convinced that so far as the committee could judge the Board of Managers was furnishing a ration that was perhaps better suited to those men than the committee could devise if it attempted to prepare one. I will only read a portion of this reply.

The average age of the members of the homes is 60½ years; 89 per cent require daily medical attention; 55 per cent are cared for in hospitals.

It calls attention to the fact that such men could not be treated and fed upon the same diet as men in active service. In reference to the statement of the Inspector-General that the milk is not of a sufficiently good quality, the Board of Managers call attention to the fact that all the milk purchased is tested by the assistant surgeon at the various homes to ascertain whether it contains the requisite amount of butter fat, and the board expressed the belief that they get a better quality of milk than is sold, as a rule, to the general public in the large cities.

Then the statement also goes into the question of the cost of the ration and the recommendation of an increase of certain kinds of food, and gives the explanation of the board of its present arrangement.

There is a list of articles given on page 445 of the hearings.

The board also says, speaking of the criticism of the inspector as to the limited amount of flour issued for the purpose of furnishing rolls and other bread foods, that the quantity of flour used at any branch is left in the discretion of the proper officers of the branch, the only restriction being that it shall not be wasted.

Mr. Chairman, the Board of Managers of these homes consists of the President of the United States, the Chief Justice of the United States, the Secretary of War, and 11 managers elected by joint resolution of Congress. While it is not expected, perhaps, that the ex officio members shall take a very active part in the management of the homes, there can be no doubt that a well-founded complaint about the management of the homes addressed to any one of those gentlemen would not only receive attention, but would protect any official calling their attention to misconduct in the management of the homes. All that can be said is that the committee has been compelled, as any committee would be, in appropriating for subsistence of the inmates in these homes, to rely upon whoever is in charge competent to arrange the diet, and to do what the committee has done, by appropriating all that has ever been asked for as to subsistence of the members.

Mr. FOSTER of Illinois. I observe in the subsistence under Class C they give as one of the articles eggs. Over in Class D they give "eggs, fresh, special." Now, do I understand that the ration means any kind of an old egg?

Mr. FITZGERALD. I do not know. I recollect, Mr. Chairman, some years ago when I bought eggs they had two kinds of eggs, fresh eggs and eggs of another kind—lime eggs, they were called.

Mr. SULZER. Stored eggs.

Mr. FITZGERALD. Eggs that could not be so fresh. There is a distinction, as the gentleman well knows, between a fresh-laid egg and an egg which is stored for market, and the eggs "fresh, special," are the eggs I believe that are used for the hospital patients. So that it would appear that in the subsistence furnished for the hospital patients eggs are used which are fresh and special.

Mr. TAWNEY. Mr. Chairman, I move that all debate on the pending paragraph and amendments thereto be closed in five minutes.

The CHAIRMAN. The gentleman from Minnesota moves that all debate on the paragraph and pending amendments thereto be closed in five minutes.

The motion was agreed to.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent to insert in the Record this statement to which I have referred.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The matter referred to is as follows:

Mr. WADSWORTH. Now, Mr. Fitzgerald, in answer to that report of the inspector, we prepared a statement here which, if the committee please, we would like to file with them as an answer to his statement.

(Following is the statement filed by Mr. Wadsworth:)

Referring to certain criticisms and recommendations made by the officer of the Inspector-General's Department designated to inspect the National Home for Disabled Volunteer Soldiers under the provisions of the act approved August 18, 1894, in his report to the Secretary of War relating to such inspection for the fiscal year 1909, the following is respectfully submitted:

COMMISSARY'S DEPARTMENT.

The opinion of the inspector that a ration costing 13 cents per diem is not quite sufficient to properly feed the old soldiers may not be questioned, inasmuch as it is shown by the statement on page 11 of the report that the cost per man per day of the raw material of the ration is not 13 cents, but about 15½ cents. It should be explained here that there is no established ration in the home and that the term, as used in the statement referred to, applies to the actual daily consumption of food per man per day for the year ended June 30, 1909.

The value of the army ration is stated as 20+ cents. This ration is established for the subsistence of soldiers who are in that period of life when food requirements are at the maximum, and who, to meet satisfactorily the object for which an army is maintained, must at all times be in a condition to respond efficiently to demands which require the exertion of all possible vigor. The purpose of the National Home is to care for disabled soldiers. The average age of its members is 66.46 years. Eighty-nine per cent require daily medical treatment; 55.20 per cent are cared for in hospitals. It is evident that the food for these disabled soldiers must be different, both in quantity and character, from that of soldiers in active service, and, giving full consideration to all of the conditions surrounding both classes, it is believed that the difference of 4½ cents per day in the cost of the food consumed is not disproportionate.

The inspector states: "While I do not think that a member of the home requires as much food as a soldier in active service, neither do I believe in stinting him or placing him on a restrictive diet," thus implying that the members of the home are stinted and placed upon a restricted diet. This statement should not, perhaps, be construed literally, as it is evident that an absolutely unrestricted diet would not conduce to the happiness or welfare of the old soldiers and would tend to defeat the purpose for which the home is established. The restrictions, however, are not severe and are such as prevail in the homes of the average American citizen. In order that the dietary may conform to the conditions surrounding the several branch homes, its regulation is left largely within the discretion of the local officers, the home regulations providing, "The ration will be sufficient in quantity and variety and in suitable proportions of meat, fish, cereals, vegetables, and fruit, the age and physical condition of the members being considered. Coffee, tea, sugar, milk, and the usual table condiments will also be provided."

The supply list, published for the guidance of the branch officers, provides subsistence supplies of the best quality and in such variety as may be seen from the following list:

SUBSISTENCE.

CLASS B.

Corn meal.	Corn, canned.
Crackers, butter.	Onions.
Crackers, soda.	Parsnips.
Flour (5 varieties).	Pease, canned.
Butter.	Pease, dried (2 varieties).
Cheese.	Potatoes, Irish.
Oleomargarine.	Potatoes, sweet.
Hominy.	Sauerkraut.
Oats (rolled or cut).	Tomatoes, canned.
Rice.	Turnips.
Wheat (cracked or rolled).	Allspice.
Coffee.	Bay leaves.
Tea (2 varieties).	Catsup, tomato.
Apples, canned.	Cinnamon.
Apples, evaporated.	Cloves (2 varieties).
Apricots, canned.	Cottolene.
Apricots, evaporated.	Flavoring extracts, lemon.
Currants.	Flavoring extracts, vanilla.
Figs.	Garlic.
Fruit butter (3 varieties).	Ginger.
Mince meat.	Horseradish.
Peaches, canned.	Lard.
Peaches, evaporated.	Mace.
Pears, canned.	Marjoram, sweet.
Pears, evaporated.	Mustard.
Plums, canned (2 varieties).	Nutmegs (2 varieties).
Prunes.	Pepper (4 varieties).
Raisins.	Pickles (3 varieties).
Milk (3 varieties).	Sage.
Ammonia, bicarbonate.	Salt (3 varieties).
Baking powder (2 varieties).	Sauces (2 varieties).
Cream of tartar.	Savory.
Hops.	Thyme.
Soda, bicarbonate.	Vinegar (2 varieties).
Yeast.	Barley, pearlized.
Honey.	Cornstarch.
Molasses.	Macaroni.
Sugar (3 varieties).	Sago.
Sirup, table.	Taploca.
Beans (3 varieties).	Tobacco, chewing.
Beets.	Tobacco, smoking.
Cabbage.	Vermicelli.
Carrots.	

CLASS C.

Bacon (2 varieties).	Mackerel.
Beef, corned.	Mutton.
Beef, dressed.	Oysters.
Beef livers.	Pigs' feet.
Clams.	Pork, fresh.
Codfish, boneless.	Pork, loins.
Eggs.	Pork, salt (2 varieties).
Fish, fresh.	Sausage (3 varieties).
Ham.	Shoulders, pork (2 varieties).
Head-cheese.	Tripe.
Lamb.	Veal.

CLASS D.—HOSPITAL, SPECIAL DIET SUPPLIES.

Bananas.	Ice cream.
Beef, preparations of.	Jellies, assorted.
Biscuits, diabetic.	Junket, in tablets.
Cereals, preparations of.	Lemons.
Chicken.	Malted milk.
Chocolate.	Oranges.
Clam juice, canned.	Oysters, canned cove.
Cocoa.	Sago.
Cornstarch.	Salmon, cans of.
Eggs, fresh, special.	Turkey.
Flour (2 varieties).	Wafers.
Gelatin.	Mellin's food.

In addition to the articles of subsistence supplies enumerated in the foregoing list, it is provided that estimates may be forwarded monthly for such fresh fruits and vegetables suitable for the subsistence of members of the home as may be in season and ordinarily sold in the general market; also that articles included in Class D, hospital, may be purchased for special dinners on holiday occasions.

A record has been kept in this office since 1902, which shows the actual quantity of food consumed by each member daily.

As before stated, there is no established ration, nor is there any allowance of the various articles supplied. For convenient reference the average quantity consumed per man per day under the several classes is taken from the record and shows in tabulated form for each quarter. It is presumed that this is what is referred to by the inspector as an "allowance." By reference to the foregoing table it will be seen that there is a considerable variation in the quantities consumed at the several branches.

With reference to the quality of the coffee, the specifications of the supply list provide for "Coffee: Green, No. 3, Rio, or its equal in quality; clean, in sacks; samples of green and roasted required."

All supplies are carefully inspected upon delivery by a committee appointed by the governor, and under his direct supervision, to see that they conform to the specifications and the samples governing their purchase. These specifications and the measures taken to insure compliance therewith by contractors on delivery are thought to be sufficient to insure coffee of good quality. There is no fixed allowance for wastage in roasting. It varies widely at the different branches, the skill of the operators and the quality of the coffee purchased being factors. In the supervision of the property accounts, when the wastage is excessive an explanation is requested. This is perhaps the basis of the inspector's criticism.

The statement of the inspector that the coffee is made less palatable and weakened by the addition of milk which is not rich is not understood. At all branches where milk is purchased it is examined and tested daily by one of the assistant surgeons appointed to such duty to see that it contains the proper proportion of butter fat. If it is found to be below the established standard it is rejected. At five of the branches milk is produced by the operation of dairies. It is believed that the milk produced and purchased is of better quality than that generally sold in cities under the supervision of health boards. There is no milk allowance. The quantity consumed is generally within the discretion of the branch officers. At one branch, and one only, it has been found necessary to regulate the quantity used on account of excessive price. Milk for supper is used at some of the branches and might be used at others if found to be desirable.

The quantity of flour used at any branch is left within the discretion of the proper officers of the branch, the only restriction being that it shall not be wasted.

The average quantity of meat consumed daily by each member is correctly stated. The quantity consumed at each branch is regulated by the branch officers in accordance with the provisions of paragraph 259, Home Regulations, above cited, there being no restrictions in the amount supplied, except such as are necessary to prevent waste. If the increased quantity were furnished it is believed that it would result in waste, and unless there was a corresponding reduction in other articles of food, it could not be consumed without harmful results. The proposed increase of 2 ounces daily for each man would require an increased annual expenditure of about \$73,000, without advantage to the members either in comfort or health.

There appears to be no sufficient reason for further specializing the appropriations. The general mess of the hospital provides not only for the hospital patients who are well enough to go to the table, but subsistence for all patients in the hospital, except as they may be further supplied from the special diet. Surely the sick are entitled to special consideration and to a generous diet suitable to their unfortunate condition. The daily cost of food per capita for the hospital mess is necessarily somewhat larger than for the general mess, but, as a rule, not excessively so, as should be evident from the figures stated by the inspector in his report of his inspection of the several branches. The instance cited by the inspector was exceptional and will receive attention.

The inspector states: "The recommendations made heretofore are renewed, that appropriations for subsistence for the branches be based upon the average number of members likely to be present at each, and upon a daily allowance per member that shall be uniform for all the branches." This recommendation has been carefully considered, and is believed not to be applicable to the conditions existing in the national home. A food allowance under the most favorable circumstances involves waste, as, in order that it may be applied without hardship, it must be sufficiently liberal to meet all conditions, individual or otherwise. It is appropriate to the exigencies of army service, where the personal efficiency of the soldier is of the first importance, to which all considerations of economy must yield. The purpose of the national home is to care for the veteran soldiers enjoying its benefits in such manner as may best conduce to their welfare and contentment, and it is believed that this purpose is accomplished in an unusual degree in the

national home. A daily allowance per member, to be uniform for all the branches, is also impracticable, for the reasons that conditions at the several branches differ widely and prices are not uniform for all localities. Under existing laws separate appropriations are made for each branch. The proposed system would not be satisfactory unless supplies were purchased in bulk and distributed from general depots, as in the army.

The recommendations of the inspecting officers of the War Department have been, for the fiscal years 1908 and 1909, in the direction of increased expenditures for food supplies. In the report of the officer of the Inspector-General's Department who inspected the home in 1906, the efforts of the officers at one of the branch homes to reduce the daily cost of subsistence supplies by the substitution of cheaper articles were commended, with the suggestion that they "could with advantage be extended to embrace conditions as they exist at other branches." These efforts at the only branch in which they were applied resulted in much dissatisfaction and discontent among the members and were soon abandoned. The board of managers is by law charged with the administration of the affairs of the home. It must be assumed that the members of the board realize the responsibility which is placed upon them, and that they welcome suggestions and recommendations from all legitimate sources that are helpful in their nature. When, however, the views of the officers of the Inspector-General's Department, as expressed in their official reports, differ so widely, they may justly believe that the study and experience which has been given to the subject by those charged with the administration of the home during more than forty years is a more reliable guide than the opinions of officers, however intelligent and conscientious they may be, whose knowledge is necessarily gained during their brief annual visits.

Mr. SULZER. Mr. Chairman, the tremendous power the interstate transportation systems of the country wield to-day in the intimate social, industrial, and economic life of the country is almost inconceivable. The average man does not begin to realize it. From a careful investigation of existing conditions I believe the time is at hand when the Representatives of the people should give more attention to this all-important matter and take immediate action along legitimate lines, fair and just to all, for the regulation of the transportation systems of the country doing an interstate-commerce business.

These great public utility transportation companies traversing, as they do, every part of our national domain, are a vital part of our complex business and industrial life, and practically affect everything that goes to make up the effort of the countless thousands to gain a livelihood from day to day. I believe the people are just awakening to a consciousness of the real facts in the study of the problem of the increased cost of living, becoming, as it is, more and more a struggle for existence, and are finding out for themselves what recent economic writers have shown, and that is, how the control and the power of the great interstate transportation systems of the country overshadow every other factor in human life.

In view of these facts and with a knowledge of existing conditions and feeling as I do on the subject, I welcome remedial legislation and shall vote for any bill that, in my judgment, will correct present abuses and remedy existing evils incident to the interstate-commerce transportation business of the country.

Mr. Chairman, for several years I have introduced and re-introduced in Congress a bill prepared by me to create a department of transportation. I believe this bill will go far to check existing evils and aid materially to solve all present and future problems in so far as they affect our interstate-commerce transportation matters. I have advocated this bill in several Congresses, but have never been able to get it reported from the committee. I send the bill to the Clerk's desk and ask to have it read in my time as a part of my remarks.

The Clerk read as follows:

A bill (H. R. 17411, introduced by Mr. SULZER) to create the department of transportation.

Be it enacted, etc., That there shall be at the seat of government an executive department, to be known as the department of transportation, and a secretary of transportation, who shall be a Cabinet officer and the head thereof, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall receive a salary of \$12,000 per annum, and whose term and tenure of office shall be like that of the heads of the other executive departments; and section 158 of the Revised Statutes is hereby amended to include such department of transportation, and the provisions of title 4 of the Revised Statutes, including all amendments thereto, are hereby made applicable to said department.

SEC. 2. That there shall be in said department a first assistant secretary of transportation, to be appointed by the President, by and with the advice and consent of the Senate, who shall receive a salary of \$6,000 per annum. He shall have charge of all matters in the department of transportation relating to steam and electric railways, and shall perform such other duties as shall be prescribed by the secretary or required by law.

There shall be in said department a second assistant secretary of transportation, to be appointed by the President, by and with the advice and consent of the Senate, who shall receive a salary of \$5,000 per annum; and he shall have charge of all matters in the department of transportation relating to telegraph lines.

There shall be in the said department of transportation a third assistant secretary of transportation, to be appointed by the President of the United States, by and with the advice and consent of the Senate, who shall receive a salary of \$5,000 per annum; and he shall have charge of all matters in the department of transportation relating to telephone lines.

There shall be in the said department of transportation a fourth assistant secretary of transportation, to be appointed by the President

of the United States, by and with the advice and consent of the Senate, who shall receive a salary of \$5,000 per annum; and he shall have charge of all matters in the department of transportation relating to waterways and similar lines of transportation thereon.

There shall be in the said department of transportation a fifth assistant secretary of transportation, to be appointed by the President of the United States, by and with the advice and consent of the Senate, who shall receive a salary of \$5,000 per annum; and he shall have charge of all matters in the department of transportation relating to pipe lines.

There shall be in the said department of transportation a sixth assistant secretary of transportation, who shall be appointed by the President of the United States, by and with the advice and consent of the Senate, who shall receive a salary of \$5,000 a year; and he shall have charge of all matters in the department of transportation relating to the express business.

There shall be one chief clerk and a disbursing clerk and such other clerical assistance as may from time to time be authorized by Congress in each of the said assistant secretaries' departments; and the Auditor for the State and other Departments shall receive all accounts accruing in, or relative to, the department of transportation and examine the same and thereafter certify the balance and transmit the accounts, with the vouchers and certificates, to the Comptroller of the Treasury for his decision thereon.

SEC. 3. That it shall be the province and duty of said department of transportation to inspect, examine, and regulate, as may be prescribed by law, all corporations engaged in interstate or foreign commerce as common carriers, or owners or operators of transportation highways; and to this end it shall be vested with jurisdiction and control of the departments, bureaus, offices, and branches of the public service hereinafter specified, and with such other powers and duties as may be prescribed by law.

SEC. 4. That the following-named offices, bureaus, divisions, and branches of the public service now and heretofore under the jurisdiction of the Department of Commerce and Labor, and all that appertains to the same, known as the Life-Saving Service, the Light-House Board, and the Light-House Service, the Marine-Hospital Service, the Steam-boat-Inspection Service, the Bureau of Navigation, and the United States shipping commissioner, and the same are hereby transferred from the Department of Commerce and Labor to the department of transportation, and the same shall hereafter remain under the jurisdiction and supervision of the last-named department; and that the secretary of transportation shall have complete control of the work of gathering and distributing statistical information naturally relating to the subjects confined to his department; and to this end said secretary shall have power to employ any or either of said bureaus and to rearrange such statistical work and to distribute or consolidate the same, as may be deemed desirable in the public interest; and the said secretary shall also have authority to call upon other departments of the Government for statistical data and results obtained by them; and the secretary of transportation shall collate, arrange, and publish such statistical information so obtained in such manner as may to him seem wise.

SEC. 5. That there shall be in the department of transportation six bureaus, to be called the bureaus of transportation corporations, and a chief of each of said bureaus, who shall be appointed by the President, by and with the consent of the Senate, to serve under each of the six assistant secretaries of the department of transportation, and who shall receive a salary of \$4,000 per annum. There shall also be in each of said bureaus one chief clerk and one auditor and such number of examiners as may be needed to carry out the purposes of this act; said auditors and examiners shall be expert accountants and shall be paid a salary to be fixed by law and necessary expenses. There shall also be such other clerical assistants as may from time to time be authorized by Congress. It shall be the province and duty of said bureaus of transportation corporations, under the direction of the secretary of transportation, to inspect, examine, and regulate all corporations engaged in interstate and foreign commerce as common carriers, or owners or operators of transportation highways, by gathering, compiling, publishing, and supplying all available and useful information concerning such corporations, including the manner in which their business is conducted, and by such other methods and means as may be prescribed by the secretary of transportation or provided by law.

Every corporation governed by this act shall make annual reports in writing to the auditor, and such reports shall in all cases include:

(a) Capital authorized and issued, the amount paid up in cash or otherwise, with a statement of the method of payment where it is not in cash.

(b) Debts, including details as to the amounts thereof, and security given therefor, if any.

(c) Obligations due from officers, which shall be separately stated.

(d) A statement of assets and the method of valuing the same, whether at cost price, by appraisal, or otherwise, and of the allowance made for depreciation. Small items of personal property included in the plant may be described by the term "sundries" or like general term.

(e) Gross earnings for the period covered by the report, all deductions necessary for interest, taxes, and expenses of all sorts, the surplus available for dividends, and dividends actually declared.

(f) Increase of assets since the last statement, with a showing in what way such increase has been secured.

(g) The names and addresses of all stockholders, with the number of shares held by each at the date of the report.

(h) The amount of stock disposed of and the amount of property taken for stock sold since the last report, with all facts necessary to show the result of the transaction.

(i) A statement showing that the corporation in question has or has not, during the period covered by the said report, received or given any rebates, drawbacks, special rates, or other discriminating advantages or preferences, by money payments or otherwise, from or to any railroad, pipe line, water carrier, or other transportation company, or paid to any shipper any such payments, or if any such have been received or given stating to whom, from whom, on what account, and in what manner they were so received or given, with all other details necessary for the full understanding of the transaction or transactions.

(j) The names and addresses of all officers, location of transfer or registry offices, wherever located.

(k) A statement that the corporation has not fixed prices or done any other act with a view to restricting trade or driving any competitor out of business.

(l) A statement that the corporation is or is not a party to any contract, combination, or conspiracy in the form of a trust or otherwise, in restraint of trade or commerce among the several States or Territories or with foreign nations.

(m) It shall be the duty of the auditor of each bureau of transportation corporations to prescribe the form of the reports before mentioned. He may, in his discretion, require additional reports at any time, upon reasonable notice, whenever he may see fit. But his determination shall be *prima facie* proof that the notice given is reasonable.

He may also require supplemental reports whenever, in his judgment, the report rendered is in any particular or particulars insufficient, evasive, or ambiguous.

He may prescribe rules so as to avoid undue detail in making the reports, but no detail of the business of the corporation shall be considered private so as to be exempt from the examination of the auditor whenever he may demand report thereon.

He shall make public in his reports, which shall be issued annually, all the information contained in the reports so made to him. When a report has been made by a corporation and, with all supplemental and additional reports required by the auditor, shall have been approved by him, the corporation making such report or reports shall publish the same or such summary of same as directed by this department in some newspaper nearest to its principal place of business, after the usual custom in such cases, with the auditor's minutes of approval, and shall file with the auditor proof of such publication by the publishers' certificate.

SEC. 6. That if any corporation shall fail to make a report when required, either by the terms of this act or when required by the auditor, as herein provided, said corporation shall be fined not less than \$5,000 nor more than \$20,000 for each offense. Every week of failure after such reasonable written demand has been made by the auditor shall constitute a separate and distinct offense. In case also of failure, each of the directors of the said corporation shall be ineligible for the year succeeding the next annual meeting to hold either directorship or any other office in the said corporation; but any director shall be exempt from said penalty upon making a statement under oath that he has individually made such a report to the best of his ability from the facts at his disposal.

If such report is false in any material respect, the officer making same and the corporation shall be fined not less than \$5,000 nor more than \$20,000, and each false statement in any material matter shall constitute a separate offense. All fines and penalties imposed by this act shall be recovered or enforced in any court of competent jurisdiction.

SEC. 7. That it shall be the duty of the examiners, under the direction of the auditor, to make examinations of any corporation governed by this act.

Any of said examiners, presenting his official credentials, shall be furnished by the officers of the corporation with every facility for complete and full examination, not only of the books, but all of the property, records, or papers of the corporation which may be necessary, in the judgment of the examiner, for a complete knowledge of the affairs of the concern as affecting the public interest.

Such examinations shall not be at fixed periods, but shall be at such times as the auditor shall fix and without notice.

Examiners shall have the power to examine under oath all officers or employees of the corporation, or any other persons having any knowledge of its affairs, and to send for, demand, and inspect books, papers, and any other matter of evidence whatever which is in the possession or control of the said corporation.

For the purpose of this act examiners shall have power to require, by subpoena, the attendance and testimony of witnesses, and the production of all books, papers, contracts, agreements, and documents relating to any matter under investigation.

Such attendance of witnesses and the production of such documentary evidence may be required from any place in the United States at any designated place of hearing, and in case of disobedience to a subpoena the examiner may invoke the aid of any court of the United States in requiring the attendance.

And any of the district or circuit courts of the United States within the jurisdiction of which such inquiry is carried on may, in case of contumacy or refusal of any witness to obey a subpoena issued to any corporation subject to the provisions of this act, or other person, issue an order requiring such corporation or other person to appear before said examiner (and produce books and papers if so ordered) and give evidence touching the matter in question; and any failure to obey such order of the court may be punished by such court as and for a contempt thereof. The claim that any such testimony or evidence may tend to incriminate the person giving such evidence or testimony shall not excuse such person from testifying; but such testimony shall not be used against such person on the trial of any criminal proceeding.

The auditor shall also have all the authority of an examiner in any case wherein he chooses himself to act.

No examiner shall be assigned to examine any corporation who is himself interested in the business thereof, or of any competing concern, or who has relatives who are so interested.

It shall be unlawful for an examiner to divulge private business, except by his report to the auditor. But such report or the substance thereof shall be open to public inspection.

Each examiner shall follow the rules, regulations, and directions which the auditor may from time to time lay down or communicate to him as to the method of examination, the form of report, the matters to be covered by the said examination, and all matters pertaining to his duties.

Said reports of the examiners shall be *prima facie* evidence as to their truth, and may be introduced in evidence in all courts to prove the facts therein set forth. Copies certified by the auditor shall be admissible with like effect and under the same circumstances as the original.

The word "corporation," wherever used in this act, shall be deemed to include companies and associations existing or authorized by the laws of the United States, the laws of any State or Territory, or the laws of any foreign country.

SEC. 8. That the secretary of transportation shall annually, at the close of each fiscal year, make a report in writing to the Congress, giving an account of all money received and disbursed by him and his department, and describing the work done by the department in inspecting, examining, and regulating, as prescribed by law, all corporations engaged in interstate and foreign commerce; in the ownership, or operation, of any of the foregoing described transportation highways or lines of transportation or engaged as common carriers in interstate or foreign commerce, and making such recommendations as he shall deem necessary for the effective performance of the duties and purposes of the department. He shall also, from time to time, make such special investigations and reports as he may be required to do by the President, or by either House of Congress, or which he himself may deem necessary and urgent.

SEC. 9. That the secretary of transportation shall have charge of the building or premises occupied by or appropriated to and for the department of transportation, of the library, furniture, fixtures, records, and other property appertaining to it, or hereafter required for use in its business; and he shall be allowed to expend for periodicals and the purposes of the library and for the rental of appropriate quarters for the accommodation of the department of transportation within the District of Columbia, and for all other incidental expenses such sums as Congress may provide from time to time: *Provided, however,* That where any office, bureau, or branch of the public service transferred to the department of transportation by this act is occupying rented buildings or premises it may still continue to do so until other suitable quarters are provided for its use: *And provided further,* That all officers, clerks, and employees now employed in any of the bureaus, offices, departments, or branches of the public service referred to in this act transferred to the department of transportation are each and all hereby transferred to said department at their present grades and salaries except where otherwise provided: *And provided further,* That all laws prescribing the work and defining the duties of the several bureaus, offices, departments, or branches of the public service by this act transferred to and made a part of the department of transportation shall, so far as the same are not in conflict with the provisions of this act, remain in force and effect until provided by law.

SEC. 10. That all power and authority heretofore possessed or exercised by the head of any executive department over any bureau, office, branch, or division of the public service by this act transferred to the department of transportation, or any business arising therefrom or appertaining thereto, whether of an appellate or advisory character, or otherwise, shall hereafter be vested in and exercised by the head of the said department of transportation. And all acts or parts of acts inconsistent with this act are hereby repealed.

All branches of the work of the Interstate Commerce Commission, except such as relates to the work of said commission in examining into and regulating rates and classification of rates for transportation, are hereby transferred to the department of transportation. But nothing in this act shall be construed as in any way abandoning by the Government any of the powers over interstate commerce and interstate carriers conferred by the interstate commerce act.

SEC. 11. That it shall be the duty of the department of transportation to especially see to it that all the laws regulating common carriers and interstate transportation highways are strictly enforced and that all violations of the same are promptly punished according to law. And said department of transportation shall execute promptly the enforcement of all orders and decisions of the Interstate Commerce Commission affecting rates, classifications, and so forth.

SEC. 12. That this act shall take effect immediately.

Mr. SULZER. Mr. Chairman, the bill (H. R. 17411) just read by the Clerk and now before the committee, introduced by me, to create a department of transportation, is a most comprehensive measure, dealing in a logical way and a practical manner with the great interstate transportation problem. It needs no apology and very little explanation. The bill provides for particular officials in the new department to investigate, report on, and regulate steam and electric railways, telegraphs, telephones, waterway traffic, pipe lines, and the express business. Powers are conferred on the officials of the department to obtain full information, not only as to rates and other traffic arrangements, but as to the genuine capital employed, the resources and liabilities, earnings, dividends, and so forth; and penalties rather more severe than those usually made for the discipline of lawless corporations are fixed, such as heavy fines and ineligibility of directors to retain their office when they have made false reports or defied the government officials seeking information.

I have given much time and careful study to the questions which we have been debating in Congress for years, relating to these interstate-transportation matters, and which are, and have been, live questions before the people of this country; and I believe that if we had a department to regulate the transportation companies, as provided for in my bill, and empowered to see to it that they did not violate the law, and if they did violate the law that the penalties were speedily enforced against them, I believe, I say, that most of the problems could be solved in justice to all.

The rapid growth of our interstate transportation business during the past fifty years has been simply marvelous. More than 80 per cent of the enormous railroad mileage which to-day gridiron the United States has been constructed since the civil war. We have over 215,000 miles of main railroad tracks, and the giant spider is still spreading its web of steel in every and all directions. And when we take into consideration the second, third, and fourth tracks, and sidings and terminals, the total foots up to nearly 300,000 miles of steel railroad tracks—sufficient to go twelve times around the earth. We are indeed the greatest railroad country on earth, and will continue to be for a century to come. And if we pause to consider these facts we must be impressed with the far-reaching power and effect of the railway influence in every line of human industry.

Legislation dealing with the problems of interstate transportation, which directly or indirectly affects every man, woman, and child in the country, should be considered on its merits and not with a prejudiced view or from a partisan standpoint. Both political parties are committed to the solution of the interstate transportation problem, and in the enactment of

legislation on the subject-matter we should earnestly endeavor to provide equal justice to all interests concerned. It is the imperative duty of the Congress to enact suitable and necessary interstate transportation legislation before this session of Congress adjourns. The people demand it. We shall be recreant to our duty if we fail to do so. The interstate-commerce transportation question is one of the most important matters before the American people. It is a live question, and no matter what we do now, or what we say now, we all know it will never be settled until it is settled right.

Mr. Chairman, this bill of mine to create a department of transportation is constructive legislation. It deals with the whole subject-matter along honest and intelligent and practical lines in a legitimate business way. It is in the interest of the producers, the shippers, and the consumers of our country and the people generally. If there be any genuine opposition to this legislation, I have failed to learn about it; and if there be secret opposition, it comes from the interstate transportation systems that are violating the law and dread publicity through the agencies created by this bill for governmental regulation.

I say the bill is a good bill, a comprehensive bill, and a feasible constructive scheme of practical legislation along proper and intelligent lines to eradicate entrenched abuses that are to-day oppressing the people and doing a great injustice to the citizens of this country. It is the first systematic classification of the interstate transportation business along economic lines ever presented to the Congress; and if it were upon our statute books, I venture to say that every question connected with interstate transportation could be speedily determined by an authoritative branch of the executive government with equal justice to all concerned.

The bill, take it all in all, is a long step in the right direction. It will be a law one of these days. I know legislative reforms are things of slow growth. It takes years of toil and of agitation to create sufficient public opinion to write a great constructive law upon the statute books in the interest of all the people. But how different concerning the wishes of the selfish few. A great monopoly, fattening on special privilege and nurtured by political favoritism, can come to the Halls of Congress and pass a bill for its own selfish interests and greedy purposes during the lifetime of a single session. It takes, however, a long time for the people to wake up and win; but the truth will and must eventually prevail if one man dare assert it every day. So the truth of this proposition will win in the end. And I predict now that ere a decade of years come and go this bill of mine, or one substantially like it, will be on our statute books, and those most interested will wonder why it was so long delayed.

I want to give notice now that I am in earnest in my contention for the enactment into law of this bill, and I shall keep up the fight until the matter is properly presented to the House and an opportunity given for discussion, and a vote taken upon it on its merits. The vast extent of the interstate transportation problem and the pressing need and urgent importance of legislative remedies to correct existing evils to all the people of the United States are ample warrant for Congress to give this question the deepest investigation and the fullest consideration. There are several bills now before Congress affecting this question; some good, some bad, some indifferent, but no one of the bills, in my opinion, is a complete solution of all the questions involved in the problem.

Mr. Chairman, the necessity for this legislation has been voiced in a thoughtful address delivered not long ago by one of the ablest and most industrious members of the Interstate Commerce Commission—the Hon. Charles A. Prouty. It was substantially outlined and recommended by the lengthy investigation and the comprehensive report of the Industrial Commission. It has been suggested by several prominent writers on economic subjects. It has been advocated again and again by such far-seeing constructive legislators as the Hon. Thomas W. Phillips, of Pennsylvania; the Hon. William R. Hearst, of New York; the Hon. ROBERT M. LA FOLLETTE, of Wisconsin, and many others. It has been recommended and indorsed by the American Anti-trust League, and various other trade and transportation organizations. Why is it not reported? Because, forsooth, it would solve the problems, remedy the evils, and give the Government the power to regulate the interstate transportation systems in the interest of all concerned. What other reason can there be? I pause for an answer.

Of course I do not claim that this bill is a panacea for all the evils growing out of the interstate transportation business. No law can do that. But I do assert that the bill proposes to settle, and settle right and for a long time to come, a most important phase of this abstruse and intricate question, and to do it in a thorough, practical, effective, and businesslike way, by pub-

licity and by the proper and speedy enforcement of the laws of our country. This will include all railways, all steamboats, all express companies, all pipe lines, all telephone lines, and all telegraph lines engaged in interstate transportation; and the Government will be able to make investigations, secure the information, collect the data, and effectually deal with the questions involved through the instrumentalities created in this bill in an intelligent way and in a most thorough and comprehensive manner.

Mr. Chairman, this bill of mine to create a department of transportation is the first legislative attempt that has ever been made in this country to deal with this interstate transportation problem in a scientific manner and in a practical business way. I want to say that in studying this great question I am satisfied that three things are absolutely necessary to be done at the present time to effectually deal with the problems arising from the abuses of these interstate transportation systems.

First. There must be a body, like the Interstate Commerce Commission, clothed with the authority to make just and reasonable rates in place of unjust and unreasonable rates, and have these rates take effect immediately and remain in full force and effect until modified or set aside by the commission or modified or set aside by the court of last resort. This is a legislative function and should be the only power under the constitutional limitations of our Government delegated by the Congress to the Interstate Commerce Commission.

Second. There must be a body clothed with authority to determine controversies, review the orders of the Interstate Commerce Commission, and interpret the laws of Congress governing and regulating transportation. This is a judicial function and must be vested in the courts of our country.

Third. There should be an executive department in the National Government, with a Cabinet officer at its head, charged with the responsibility of investigation to find out the facts and with the prompt enforcement of the laws of the United States concerning companies doing an interstate transportation business. My bill creates this department. This is an executive function and belongs to the executive branch of the Government.

I shall not take up more time. The bill speaks for itself. I think I have stated briefly the proposition involved. I have drawn my bill to create such a department in the executive branch of the Government, to ascertain the truth, and for the effective enforcement of the laws governing every common carrier doing an interstate transportation business. My plan is in line with the fundamental principles of our institutions from the days of the fathers down to the present time, and when it is adopted by Congress—and it must be adopted sooner or later—it will provide the quickest agency for publicity and the speedy execution of the laws; and to my mind, after mature reflection, I believe that will prove an effectual remedy for the principal evils we are trying to stop and at once and for all time eradicate from the body politic the abuses of the powerful interstate transportation companies.

Mr. TAWNEY. Mr. Chairman, I ask to modify my amendment.

The CHAIRMAN. The Clerk will report the amendment as modified.

The Clerk read as follows:

For the purchase of articles of subsistence in addition to the regular rations of members of the National Home for Disabled Volunteer Soldiers, to be apportioned among the several branches of the home in the discretion of the Board of Managers, and to be expended with special reference to the necessities and infirmities of the members of the homes, \$100,000.

Mr. HITCHCOCK. Mr. Chairman, I have an amendment pending.

The CHAIRMAN. The gentleman from Nebraska did not have an amendment pending; he had one read for information. The amendment was in the nature of a substitute for an amendment of the gentleman from Ohio, which went out on a point of order.

Mr. HITCHCOCK. Very well, Mr. Chairman, I intended to withdraw it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota.

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

Mr. TAWNEY. Mr. Chairman, I ask unanimous consent that the amendment which has just been agreed to be placed in the bill at the proper place, that being page 88, after line 17.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent that the amendment just agreed to be inserted in the bill at page 88, after line 17. Is there objection?

There was no objection.

The Clerk read as follows:

For farm, namely: Pay of farmer, chief gardener, harness makers, farm hands, gardeners, horseshoers, stablemen, teamsters, dairymen, herders, and laborers, and for all tools, appliances, and materials re-

quired for farm, garden, and dairy work; for grain, hay, and straw, dressing, seed, carriages, wagons, carts, and other conveyances; for all animals purchased for stock or for work (including animals in the park); for all materials, tools, and labor for flower garden, lawn, and park; and for construction of roads and walks, and for repairs not done by the home, \$24,500.

Mr. COX of Indiana. Mr. Chairman, I move to strike out the last word. In reading this bill in connection with all of the soldiers' homes I find, with possibly one exception, that there is a farm run in connection with the homes. I would like to have some information as to whether or not these farms run in connection with the soldiers' homes are run upon a paying or a nonpaying basis?

Mr. TAWNEY. The testimony is to the effect that they do not pay. They are maintained as a necessity.

Mr. COX of Indiana. In what way are they maintained as a necessity?

Mr. TAWNEY. Of course the principal part of the farm is the dairy connected with it. They have the very best of dairy herds in order to secure the very best milk that can be obtained for the use of the occupants of the home. That is the principal part of the farm. They have been working very satisfactorily, but, taking into consideration all of the expenses incident to their maintenance and the fact that they have to be kept up in the very best shape, they are not a profitable institution, although there is not much loss. It is practically an even thing.

Mr. COX of Indiana. Then, as I gather from the gentleman's statement, at any rate they are not bringing in any profit?

Mr. TAWNEY. No.

Mr. COX of Indiana. Where does the labor come from that works the farm—from the old soldiers or civilians, as a rule?

Mr. TAWNEY. As far as they can be used, of course the old soldiers are employed, but the average age of the soldiers in these homes now is about 68 years. Very little work can be expected of them except doing chores, as we who were raised on a farm would say.

Mr. COX of Indiana. Is there any part of the labor cost granted to the old soldiers when they go out and work on the farm?

Mr. TAWNEY. I do not think there is.

Mr. COX of Indiana. That is voluntary on the part of the soldier?

Mr. TAWNEY. Yes.

Mr. COX of Indiana. The upkeep of the farm, so far as the labor is concerned, is done by civilians?

Mr. TAWNEY. The civilians are employed by the governor of the home.

Mr. COX of Indiana. Can the gentleman show any real necessity for maintaining these farms, at enormous cost, when they are of no benefit at all?

Mr. TAWNEY. Why, they are an absolute necessity.

Mr. COX of Indiana. In what way? I have not got that information yet.

Mr. TAWNEY. Well, without the farm and the dairy which is maintained, and that is the principal purpose for maintaining the farm, of course the occupants of the home would be entirely dependent for the milk they get upon the dealers in the community. We would have under those circumstances no control whatever over the production of the milk, nor any control over the herd that produces the milk, and it seems to me it is absolutely necessary and essential to the health of the occupants that so far as their health is dependent upon having pure cream or milk to use in connection with the home these farms should be maintained. I would also say that under this term "farm" is included the parks and recreation grounds and everything of that sort.

Mr. COX of Indiana. Some of these homes comprise quite a farm.

Mr. TAWNEY. I know they do. So far as the actual farm is concerned, it is maintained largely for the purpose of maintaining the dairy herd.

Mr. STAFFORD. If the gentleman will permit, from my acquaintance with the branch home at Milwaukee, which is in the suburbs of the city, and which I have often visited on Sunday afternoon and on week days also, I can say that these farms are to the direct advantage of the old soldiers. The gentleman will readily agree that one of the problems in maintaining the discipline among the old soldiers is to keep them occupied—

Mr. COX of Indiana. Do the authorities at the Milwaukee Home require the old soldiers to work on the farm?

Mr. STAFFORD. The endeavor of the governor is to give them employment—

Mr. COX of Indiana. But do they require them to do it?

Mr. STAFFORD. It is not mandatory, but wherever the old soldier is desirous of making extra pay, and there are many of

them who do, they are given the privilege and preference in utilizing their time on the farm and in connection with the work about the home in the repairing of walks, and so forth.

Mr. COX of Indiana. And they are paid for that kind of labor?

Mr. STAFFORD. They are paid as civilian help would be paid, and thereby it keeps them employed. The gentleman will see that it is a humanitarian purpose to keep the old soldiers employed, those who are able to be kept employed, rather than to let them remain in idleness about the home exchanges or perhaps go outside of the grounds and frequent those places which it is not to their welfare to do.

Mr. COX of Indiana. In these homes they have rules and regulations which, if any soldiers violate, some penalty is imposed upon them. Is that correct?

Mr. STAFFORD. Yes; there are ground regulations.

Mr. COX of Indiana. In the imposition of these penalties on the soldiers, are they required to go out and work on the farm?

Mr. STAFFORD. I do not understand they are compelled by any system of peonage of any kind at all to work out their penalties, but these garden spots and dairy places are given over entirely for the subsistence of the home, where the old soldiers who have the ability and inclination to work may put in their time; and it is a very commendable feature, indeed.

Mr. GARRETT. Mr. Chairman, I move to strike out the last two words. I want to say a few words which, while they will not illuminate this paragraph very much, yet may be of some slight interest upon an event in history. My genial friend, the gentleman from Ohio, in the beginning of his remarks on the amendment referred to the charge up Lookout Mountain. A few days ago I read in a current number of a southern magazine a somewhat pretentious poem on the battle of Lookout Mountain, and of course we are all familiar with the expression from the school histories of "the battle above the clouds." Now, as a matter of history, my information is, "the battle above the clouds" is a myth. There was no battle on Lookout Mountain. The battle of Lookout Mountain was at the base and up the slope of that mountain. There was no charge to the top of it. There was a mist in the valley and around the base on that morning, and for a time the fight that was going on was in that mist, and some newspaper correspondent referred to it as "the battle in the clouds," and it was very little trouble then to change it to the more poetic expression of "the battle above the clouds."

In that sort of way the idea grew up, and the markers and monuments that are on Lookout Mountain are somewhat misleading, so my information goes, as to that battle. The fact is that there was no charge up that mountain and no battle on the mountain, and the "battle above the clouds" is one of those myths that ought in the interest of truth to be corrected.

The Clerk read as follows:

For transportation of members of the home, \$2,200.

[Mr. MORGAN of Oklahoma addressed the committee. See Appendix.]

[Mr. CARTER addressed the committee. See Appendix.]

Mr. TAWNEY. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk.

The Clerk read as follows:

On page 82, line 23, strike out the words "with mess hall and ticket."

The amendment was agreed to.

The Clerk read as follows:

For household, including the same objects specified under this head for the Central Branch, \$87,000: *Provided*, That no part of this sum shall be used for fuel oil if it shall appear to the board of managers that coal as a fuel can be procured and used more economically.

Mr. ANTHONY. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Insert after line 15, page 83:

Provided, That no moneys appropriated by this act shall be used for purchases of supplies, fuel, or material for national soldiers' homes on behalf of the Government from any corporation which has been declared by federal courts to be a party to an unlawful trust or monopoly, nor from any middleman or agent of any such company or concern where it is known that such middleman or agent is acting for or selling the products of such unlawful concern.*

Mr. TAWNEY. Mr. Chairman, to that I reserve a point of order.

The CHAIRMAN. The Chair will hear the gentleman from Kansas on the point of order.

Mr. ANTHONY. Mr. Chairman, I do not think the amendment is subject to a point of order, for the precedents are full

of previous occasions where limitations much wider than the one I have offered have been allowed to stand in regard to soldiers' home appropriations. I call attention of the Chair to paragraph 3942 of the Precedents of the House of Representatives:

While it is not in order to legislate as to qualifications of the recipients of an appropriation, the House may specify that no part of the appropriation shall go to recipients lacking certain qualifications.

Now, in this amendment I do provide that no part of this appropriation shall go to certain corporations which do lack certain qualifications; that is, that lack the qualification of being an honest and legitimate business corporation under the law. In that same paragraph it was held in order by the Chair to insert a limitation, as follows:

Provided, That no part of the appropriation shall be available for the Agricultural College of Utah until the Secretary of Agriculture shall be satisfied, and shall so certify to the Secretary of the Treasury, that no trustee, officer, instructor, or employee of said college is engaged in the practice of polygamy or polygamous relations.

Further on, while a bill was under discussion making appropriations for soldiers' homes, a limitation was offered in an amendment which provided that the appropriation should not be used for any home where the canteen existed, and so broad a limitation as that was held in order by the Chair, although the gentleman from Illinois [Mr. MANN] debated the question with the Chair at that time and held the contrary view. But I am quite sure that, now being in the chair, the Chairman would be inclined to look at the question in a different light.

The CHAIRMAN. What is that citation?

Mr. STAFFORD. It is in the following paragraphs, 3943 and 3944 of Hinds's Precedents.

The CHAIRMAN. The Chair is prepared to rule. The precedents in reference to limitations, of course, are very numerous, and at a casual glance sometimes they seem conflicting, and yet the rule is quite well settled that a limitation which is only a limitation upon an appropriation bill is in order, but a limitation which is in form a limitation, but in substance a change of law, is not in order. The citation that the gentleman makes in reference to canteens in soldiers' homes where the Chair held that was a limitation, is not only in form, but in substance, a limitation, notwithstanding the argument which may have been made by the present occupant of the chair then on the floor against it. The amendment which the gentleman now offers is a limitation in form, but in substance a direction to the managers of soldiers' homes that they shall investigate every purchase of supplies to ascertain the character of the persons who are furnishing the supplies, and under certain conditions shall refuse to make the purchase, notwithstanding that it may be in contravention of the law requiring them to purchase from the lowest and best bidder. The Chair thinks the amendment is clearly a change of law.

Mr. ANTHONY. Will the Chair permit a further remark?

The CHAIRMAN. Certainly; the Chair is always glad to be informed.

Mr. ANTHONY. I think the view just expressed by the Chair was very clearly expressed in the discussion of the Chair at the time the ruling was made that I first cited, and I think if the Chair will read very carefully that ruling, he will find it directly in opposition to the sentiment just expressed by the Chair. I can not conceive of a wider limitation than the one in regard to canteens in soldiers' homes, and the limitation I have offered here does not require the officials of the soldiers' homes to go into the character of every purchase. It simply instructs them to, following the rulings of the courts.

The CHAIRMAN. But it would require them to go into the character of every purchase in order to ascertain whether there had been a ruling of the court.

Mr. ANTHONY. As there have been only one or two rulings, it would not be very difficult.

The CHAIRMAN. If there had been no ruling, still they would have to ascertain the facts. The Chair thinks it is clearly a change of existing law, and the Chair sustains the point of order.

Mr. ANTHONY. Mr. Chairman, it is exceedingly surprising to me that the Board of Managers of the Soldiers' Homes, which comprises in its membership the President of the United States and the Secretary of War, should not take official notice of the rulings and regulations of the Department of War, which governs the department in its purchase of supplies. All that I ask for in the limitation which I offered a moment ago was none other than the recent order of the Secretary of War in reference to the purchase of supplies for the War Department. In

that circular, which was issued by the War Department, signed by Secretary Dickinson on December 11, 1909, it is said:

CIRCULAR.

WAR DEPARTMENT,
Washington, December 11, 1909.

The Standard Oil Company of New Jersey and the other companies named in section 2 of the decree of the United States circuit court, eastern district of Missouri, entered November 20, 1909, having been adjudicated parties to an unlawful trust, are hereby brought within the scope of directions heretofore given that no purchase on behalf of the Government be made directly from any corporation which has been adjudicated to be a party to an unlawful trust and monopoly and to be carrying on business in violation of law, nor from any middleman or agent of any such company or concern where it is known that such middleman or agent is acting for such unlawful concern.

The other companies named in section 2 of the decree above referred to are as follows: Anglo-American Oil Company (Limited), Atlantic Refining Company, Buckeye Pipe Line Company, Borne-Scrymser Company, Chesebrough Manufacturing Company (Consolidated), Cumberland Pipe Line Company, Colonial Oil Company, Continental Oil Company, Crescent Pipe Line Company, Henry C. Folger, Jr., and Calvin N. Payne, a copartnership doing business under the firm name and style of Coriscana Refining Company, Eureka Pipe Line Company, Galena Signal Oil Company, Indiana Pipe Line Company, Manhattan Oil Company, National Transit Company, New York Transit Company, Northern Pipe Line Company, Ohio Oil Company, Prairie Oil and Gas Company, Security Oil Company, Solar Refining Company, Southern Pipe Line Company, South Penn Oil Company, Southwest Pennsylvania Pipe Lines Company, Standard Oil Company of California, Standard Oil Company of Indiana, Standard Oil Company of Iowa, Standard Oil Company of Kansas, Standard Oil Company of Kentucky, Standard Oil Company of Nebraska, Standard Oil Company of New York, Standard Oil Company of Ohio, Swan & Finch Company, Union Tank Line Company, Vacuum Oil Company, Washington Oil Company, Waters-Pierce Oil Company.

All officers or agents of the Government in or under the War Department will please be governed accordingly.

J. M. DICKINSON,
Secretary of War.

I believe if a regulation of that kind is wise for the guidance of the great departments of the Government it is all the more necessary that the Board of Managers of the Soldiers' Homes should follow such a precedent as that. Now, the necessity for such a limitation for the observance of such regulations lies in the fact that there has come in recent years from some source, which I do not know, an effort to put fuel oil into soldiers' homes for fuel, and in every case representatives of the Standard Oil Company offered to furnish fuel oil just a little under the price of coal mined by miners trying to earn an honest living, sometimes in the locality of the homes, and then, after changing the heating plant at great expense, coal is displaced and oil is used for fuel. It is true the board of managers has furnished figures which showed a slight difference in favor of the change of fuel at these homes, but I want to tell this House that those figures are not worth the paper they are written on. They are written for the purpose of bolstering up the statement made in regard to the use of that oil.

As a matter of fact, when you take into consideration the vast amount of money which has been expended in changing the heating and the radiation plants to make them conform to the use of oil, it will show that oil is really an expensive luxury. I had hoped that the Chair would have ruled that limitation which I offered in order, and I still believe that it is in order; but I am in hopes, however, that the mere offering of the amendment on the floor of this House and calling the attention of the board of managers to the existence of the circular issued by the War Department in regard to the purchase of materials from corporations which have been declared by federal courts to be unlawful trusts and combinations will be sufficient for the Board of Managers to seek no further to attempt to displace honest business in its efforts to sell material to the United States Government in favor of firms which have been declared by the courts to be trusts and unlawful corporations. [Applause.]

The Clerk read as follows:

For subsistence, including the same objects specified under this head for the Central Branch, \$107,000.

Mr. RAUCH. Mr. Chairman, I move to strike out the last word. I would like to ask the chairman of the Committee on Appropriations what portion of the \$100,000 provided for in his amendment will go to the Marion Branch?

Mr. TAWNEY. The amount will be determined by the population of the home as compared with the population of other homes and the physical condition and necessities of the occupants of the home. I can not tell the gentleman. Of course there are different conditions as to the cost of the ration. The ration varies now from 14.4 cents up to about 16 cents outside of the sanitarium, where it is 22½ cents. That is due not to the difference in the amount of the ration, but due to the difference in the cost of the material which goes to make up the cost of the ration. Marion is one of the average-sized homes, as I now recall it—

Mr. RAUCH. It has a membership of about 2,000, I think.

Mr. TAWNEY. And of the \$100,000 that has been agreed to it would be, I think, entitled to about one-tenth of the amount, it being an average home.

Mr. RAUCH. Mr. Chairman, I had intended offering an amendment at this point providing for an additional appropriation for the Marion Home, although I know Governor Steele to be a most excellent man, and I believe he is doing all that he can for the membership of the home. I have been very anxious to have ample provisions made for the men who are compelled to live the remainder of their days in these institutions. I have heard some complaints from the members as to the variety, but not the quality or quantity, of the food. Believing that the governor should not be handicapped in the item of subsistence, I had intended to offer an amendment providing for an additional appropriation of \$10,000. Now, according to the statement of the chairman of the Committee on Appropriations, that is about the amount which this branch will receive from the additional appropriation of \$100,000 which we have just succeeded in passing. I withdraw the pro forma amendment.

The Clerk read as follows:

For president of the Board of Managers, \$4,000; secretary of the Board of Managers, \$500; general treasurer, who shall not be a member of the Board of Managers, \$4,500; inspector-general and chief surgeon, \$4,000; assistant general treasurer and assistant inspector-general, \$3,000; assistant inspector-general, \$3,000; clerical services for the offices of the president, general treasurer, and inspector-general and chief surgeon, \$15,500; clerical services for managers, \$4,500; for traveling expenses of the board of managers, their officers and employees, including officers of branch homes when detailed on inspection work, \$16,000; for outdoor relief, \$1,000; for rent, legal services, medical examinations, stationery, telegrams, and other incidental expenses, \$7,000; in all, \$63,000.

Mr. MACON. Mr. Chairman, I make the point of order against the words "five hundred," in line 24, page 88, it being an increase of salary of the general treasurer.

The CHAIRMAN. The gentleman from Arkansas makes the point of order against the words "five hundred," in line 24, page 88.

Mr. MACON. The salary carried in the last appropriation bill for the pay of this official was \$4,000; in this it is \$4,500.

The CHAIRMAN. Does the gentleman make or reserve the point of order?

Mr. MACON. I make the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. MACON. Now, I make the point of order against the language "four thousand," in line 25, page 88. The last appropriation bill carried \$3,500 for the same purpose.

The CHAIRMAN. The gentleman from Arkansas makes the point of order against the words "four thousand," line 25, page 88, and the Chair sustains the point of order. The Chair calls the attention of the gentleman from Minnesota—

Mr. TAWNEY. Mr. Chairman, the point of order was made when I was for a moment absent from the floor.

The CHAIRMAN. The point of order was made by the gentleman from Arkansas. Is there any authority of law for the increase?

Mr. TAWNEY. No; there is none.

The CHAIRMAN. The Chair sustains the point of order. Does the gentleman from Minnesota offer an amendment in line 25?

Mr. TAWNEY. I move to insert "three thousand five hundred" after the word "surgeon."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 88, line 25, before the word "dollars," insert "three thousand five hundred."

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

Mr. COX of Ohio. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 89, after line 12, insert:

"Provided, That no part of the money herein appropriated for the salary of president of Board of Managers, secretary of the Board of Managers, general treasurer of the Board of Managers, inspector-general and chief surgeon of the Board of Managers, and assistant general treasurer and assistant inspector-general of the Board of Managers shall be paid to any person who has not at one time been in the military service of the United States and who has been honorably discharged."

Mr. TAWNEY. Mr. Chairman, I reserve a point of order on the amendment.

Mr. COX of Ohio. Mr. Chairman, the chairman of the Committee on Appropriations a little while ago in citing what he believed to be absolute proof of the men in the soldiers' homes having good treatment, made reference to the governors, and he said that they were soldiers themselves, that they knew the trials of the old soldiers, and by reason of this service and association were incapable of any unkindness. To that I

heartily agree. The organic law provided—I think it was passed in 1892—that the governors of the homes and all the officers of the homes should be men who had not only been in the military service of the United States, but who had been disabled in the service. This was changed a few years later, and the qualification was taken out which related to the feature of disability. Subsequent to this a law was passed exempting from these laws all the surgeons in the homes, so that the intent of the law is now and always has been that the men who have to do with the welfare of these soldiers in the national military homes shall be persons who have seen service themselves.

In other words, when the chief inspector-general visits these institutions and comes face to face with these men, he must have within him an understanding as to what those men went through. There is no law on the subject at the present time establishing any qualification of the members of the board of managers nor the officers at headquarters. I do not think this amendment is subject to a point of order, for the reason that the limitation goes no further than to state or specify the qualifications of the men who shall receive this compensation, and the precedents are ample on that subject. I will refer the Chair to page 636, volume 4, section 3942, as follows:

While it is not in order to legislate as to qualifications of the recipients of an appropriation, the House may specify that no part of the appropriation shall go to recipients lacking certain qualifications.

Mr. TAWNEY. Will the gentleman permit me to ask him a question? Under the existing law the Board of Managers can, within their discretion, employ whomsoever they please, can they not? There is no law fixing the qualification, but they have the discretion to employ whomsoever they please, have they not?

Mr. COX of Ohio. At the present time?

Mr. TAWNEY. Yes.

Mr. COX of Ohio. There is no law on that subject.

Mr. TAWNEY. It gives them the right to employ whomsoever they please. The salary is fixed by law. Now, you propose to limit their discretion by prescribing certain qualifications in those to be employed.

Mr. COX of Ohio. I am simply trying to provide that ideal situation which you said a while ago existed in the administration of these soldiers' homes. I do not think there is a man on this floor who should make a point of order against this sort of a proposition, because it relates to the very identical thing which you yourself discussed a moment ago with reference to ideal conditions. The limitation on the canteen provides that the homes must have certain qualifications before they can receive these appropriations.

Now, this amendment of mine proposes that only men possessing certain qualifications shall be the recipients; or, rather, that men who lack certain qualifications can not be the recipients of these appropriations. This gets at the very kernel of the entire disagreeable situation at headquarters.

Mr. TAWNEY. Is the gentleman talking about the headquarters—

Mr. COX of Ohio. At New York.

Mr. TAWNEY (continuing). Or in the homes?

Mr. COX of Ohio. Headquarters at New York. There are headquarters nowhere else.

Mr. TAWNEY. I thought the gentleman's remarks related to the employees in the homes.

Mr. COX of Ohio. Not at all. They relate to the headquarters in New York City.

Mr. TAWNEY. The proposed limitation is one that affects the discretion of the Board of Managers in respect to the employees under their immediate jurisdiction. At the present time they have unlimited jurisdiction under the law. The law vests them with unlimited discretion in the matter of who the board should employ and as to the qualification of the employees. By this amendment it is proposed to limit their right to employ clerks and other services at headquarters to men who have certain qualifications, exclusive of all others, and thereby restrict them in the exercise of their discretion to that particular class.

Mr. COX of Ohio. Will the gentleman yield in that connection?

Mr. TAWNEY. I will.

Mr. COX of Ohio. It is the lack of qualification.

Mr. TAWNEY. I do not care whether it is the lack of qualification or what the gentleman calls it; it is a limitation upon the discretion which is now vested in the board by law, and the gentleman can not by a limitation on an appropriation bill change existing law nor legislate as to the qualification of employees.

Mr. COX of Ohio. Does the gentleman contend that there is an existing law now with reference to the employment of the auxiliary officers at New York?

Mr. TAWNEY. Yes; the Board of Managers by law are given exclusive jurisdiction and control over these homes and their employees.

Mr. COX of Ohio. And likewise over the canteen, to which a limitation has since been applied.

Mr. TAWNEY. And in the employment of individuals they have full discretion to employ whomsoever they see fit, and you propose to limit and restrict them to a particular class.

Mr. COX of Ohio. It is just the kind of restriction that is placed on the Board of Managers with reference to the canteen.

Mr. TAWNEY. Yes; but there is this distinction: That limitation absolutely prohibited anybody from selling intoxicating liquor of any kind, but you propose to deny the right to employ. In other words, your proposition is about as the other proposition would have been before us if you were not to allow the sale of beer or whisky in the homes unless it was made in a certain place, in St. Louis or Cincinnati, or that it bore a certain brand.

Mr. COX of Ohio. The limitation simply is that the appropriation should not go to anyone lacking certain qualifications.

Mr. TAWNEY. That is true.

Mr. COX of Ohio. And the appropriation of a certain amount can not be given to a home where there is a canteen, so that the propositions are identical.

Mr. TAWNEY. Suppose that the canteen provision was to the effect that only beer manufactured in Cincinnati could be sold. That is your proposition in effect. That is, you want to deny authority to employ. You propose to limit the discretion of the board as to the qualifications of the people they can employ.

Mr. COX of Ohio. May I ask the gentleman a question in that connection?

Mr. TAWNEY. It is not a limitation upon the expenditure of the money.

Mr. COX of Ohio. Getting away entirely from the feature of the point of order.

Mr. TAWNEY. Well, there is no way of getting away from that, because that is the only question before the Chair. When we get to the next paragraph, then we get away from the point of order. That is the easiest way.

Mr. COX of Ohio. I wanted to test the good faith of the statement of the gentleman, when he spoke as to the conditions under which these homes should be conducted, a situation that can only be possible under the administration of men who have seen service. This amendment applies to the men at headquarters.

Mr. TAWNEY. At the head of these homes?

Mr. COX of Ohio. The gentleman knows that it goes to the men at headquarters.

Mr. TAWNEY. The clerks and employees in the city of New York at the central offices do not come into contact personally with the inmates of these homes. He is the governor of the home. He is there all the time.

Mr. COX of Ohio. This man whom we are seeking to reach goes to the homes and inspects them, or is presumed, at least, to inspect them.

Mr. TAWNEY. He may inspect the homes; I do not know as to that.

Mr. FITZGERALD. I want to suggest that the purpose of this amendment is to eliminate the inspector-general and Chief Surgeon Elwell from the service.

Mr. TAWNEY. I supposed the amendment was aimed at some individual, although I did not know the individual's name; and that only makes the amendment all the more obnoxious to the rule of the House.

Mr. FITZGERALD. I wanted the gentleman to understand the purpose. We have not come to the discussion of the merits.

Mr. COX of Ohio. I want it distinctly understood that I do not disclaim the intent of this amendment, nor am I disposed to conceal its purpose.

Mr. FITZGERALD. I know the gentleman. The gentleman furnished that information to me at my request, and I wish to have the House and the gentleman in charge of the bill understand exactly what was proposed in the amendment; and I will discuss the amendment when we come to it.

The CHAIRMAN. The Chair is prepared to rule. The gentleman from Ohio offers an amendment, as follows:

Provided, That no part of the money herein appropriated for the salaries of president of the Board of Managers, secretary of the Board of Managers, general treasurer of the Board of Managers, Inspector-general and chief surgeon of the Board of Managers, assistant general treasurer and assistant inspector-general of the Board of Managers, and assistant inspector-general of the Board of Managers, shall be paid to any person who has not at one time been in the military service of the United States and who has not been honorably discharged.

It seems to the Chair quite patent that if this amendment were a limitation that no part of the money herein appropriated for the salaries of these officials should be expended unless the

Board of Managers should employ a particular person that would be a change of existing law. The Chair can see no distinction between that and the amendment offered as far as the power is concerned. If the Board of Managers now has the power—and it seems to be admitted—or whoever has the power in the appointment of these officials, this would be construed as a change of the law directing their discretion, and the Chair thinks the amendment is subject to a point of order, and therefore sustains the point of order.

Mr. FITZGERALD. Mr. Chairman, I am not in sympathy with the amendment, but I think the Chair will find precedents that cover this case clearly. I think there are precedents that the appropriation can be limited, so that it can not be paid to persons not possessing certain qualifications. For instance, placing a limitation that no part of the appropriation should be paid to a person who is not a citizen of the United States. There is no question but that that is clearly a limitation, and also that no part of the appropriation shall be paid to any person occupying a position who is not an honorably discharged soldier or sailor of the United States.

The CHAIRMAN. The present occupant of the chair would rather be of the opinion that it might be possible to find in the precedents somewhere a decision upon each side of the question, because the border line is often met with in decisions. And yet, there can be no question that in recent years the tendency has been to hold that a change of existing law under the guise and form of a limitation is not in order.

Mr. MACON. Mr. Chairman, I move to strike out the last word, for the purpose of asking the chairman of the committee if it is his purpose to move that the Clerk correct the totals of all the paragraphs?

Mr. TAWNEY. It is.

Mr. MACON. Then I will not offer my amendment.

Mr. ANTHONY. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Insert after line 21, page 89, the following:

Provided, That no moneys appropriated by this act shall be used for the rent or maintenance of offices and headquarters of the Board of Managers of the National Home for Disabled Volunteer Soldiers in New York City."

Mr. FITZGERALD. Mr. Chairman, I make a point of order against that amendment.

The CHAIRMAN. The Chair will hear the gentleman from New York.

Mr. FITZGERALD. Mr. Chairman, the Board of Managers at present have a right to engage offices and headquarters wherever they please. This is the same as saying that the headquarters must be in a certain place. Following the reasoning of the Chair, as stated a few moments ago in connection with the other amendment, it takes away from the Board of Managers the discretion that they now have and is a change of existing law.

Mr. TAWNEY. Mr. Chairman, I want to add to what the gentleman from New York has said, that the Board of Managers will have to have offices somewhere. It is manifest that if they can not have the offices in New York City they must move to some other place. Now, in order to do that, they must have some authority to move and procure rent, and they must have an appropriation necessary to meet the expenditure. This is not only a violation of the discretion which the board has for the purpose of fixing their location officially, but is legislation because it will require the doing of that which the amendment does not authorize to be done.

The CHAIRMAN. The Chair is prepared to rule. The Chair—possibly because the present occupant of the chair has had his mind centered in that direction—thinks that the distinction between the various amendments is perfectly clear, although the Chair may not be able to make it clear to the members of the committee.

This amendment is:

Provided, That no moneys appropriated by this act shall be used for the rent or maintenance of offices or headquarters of the Board of Managers of the National Home for Disabled Volunteer Soldiers in New York City.

It is clearly within the power of Congress to make no appropriation for the board of managers. Having the power of the House to refuse an appropriation for the Board of Managers, it has the power to refuse it for the payment of office rent in a particular place. It would not probably be in order in an amendment to require the board of managers to move their offices, but it is within the power of the House to decline to appropriate for offices, even if they are in New York City.

Mr. FITZGERALD. I call the attention of the Chair to the fact that Congress has a right to appropriate money for the compensation of any of the officers named in the foregoing

amendment, and also has the right to refuse to permit the payment to officers who do not have certain qualifications. There can be no question that both of these are in order or neither is in order.

The CHAIRMAN. To the mind of the Chair they are as distinct as blue is from green. The Chair overrules the point of order.

Mr. ANTHONY. Mr. Chairman, I want to say a few words on this amendment. During the debate here to-day on soldiers' homes the question has frequently been asked what remedy there is for the apparent lack of attention on the part of those responsible for the general administration of soldiers' homes. What remedy that can bring about closer attention on the part of these men? I have offered an amendment with the idea of taking the headquarters of the Board of Managers away from New York City. There has never been the slightest excuse in the world that the president, the secretary, and the treasurer, and so forth, of the Board of Managers should have offices in New York City. There is not the slightest interest which affects the soldiers in the soldiers' homes scattered all over this country, that is attained by having the general offices in New York City. It is only an increase in expense to the General Government. The proper place for the maintenance of the general office of the Board of Managers is either right here in the city of Washington, where they are accessible to Congress and to the officers of the Government, or it is at one of the centrally located homes.

Mr. TAWNEY. At Leavenworth?

Mr. ANTHONY. No; not necessarily Leavenworth, but where this Board of Managers will know what an old soldier looks like. I want to say to the gentleman from Minnesota that the inspection of the homes by the Board of Managers is nothing more than a farce.

Mr. TAWNEY. Mr. Chairman, I think that when the gentleman from Kansas [Mr. ANTHONY] attributes to Jim Wadsworth, as we all love to call him, to General Henderson, and to Senator WARNER, of Missouri, and other members of that board who have honorable records in the army, the imputation that they would not know what an old soldier looks like, the gentleman is going a great deal further in his denunciation of these men than the facts warrant.

Mr. ANTHONY. The gentleman does not attribute anything of the kind to this highly respected Board of Managers.

Mr. TAWNEY. The gentleman said he would like to have them go where they would know what an old soldier looked like. With the record that these men have, who were through the rebellion, I think they know not only what an old soldier looks like, but what the service of a soldier means.

Mr. ANTHONY. I do say that if these headquarters were located in Washington, where no doubt rent could be obtained free, or at one of the soldiers' homes, where they could have rent free—

Mr. TAWNEY. What department of the Government obtains free rent in Washington? Has the gentleman ever known the Government to get anything for nothing in Washington?

Mr. ANTHONY. Oh, yes; there is lots of room here in Washington. The facts are that when the Board of Managers makes its annual pilgrimage over the country, it spends not to exceed a day at each of the soldiers' homes, and if the gentleman will read some of the proceedings published here—

Mr. COX of Indiana. Will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. COX of Indiana. How much does the Government pay out for rent in New York City?

Mr. ANTHONY. I do not know the exact figures; I think it is several thousand dollars.

Mr. TAWNEY. Has the gentleman any facts?

Mr. ANTHONY. Oh, yes; I think if I had time I could look it up and find out.

Mr. COX of Indiana. Does the gentleman know whether any of these soldiers' homes are so situated that they could furnish office rent free?

Mr. ANTHONY. I have not the slightest doubt but what they could.

Mr. FITZGERALD. If the gentleman's information is based upon the same—

Mr. ANTHONY. I would like to ask the chairman of the committee for that information. What did they pay for rent there?

Mr. TAWNEY. I do not know.

Mr. ANTHONY. They do not get it free.

Mr. FITZGERALD. I was about to say, considering they pay \$465,000 a year for rent in the city of Washington, does

the gentleman believe there is room for some office to come here and get rooms rent free? Will the gentleman just point out where room would be found here for any additional offices? Simply because the gentleman from Kansas thinks that room could be found here free, although we are paying \$465,000 a year rent, hardly justifies the refusal of the appropriation to pay rent on a lease.

Mr. ANTHONY. The gentleman from Kansas said that if they could not they could find it at some of the branch homes.

Mr. FITZGERALD. If the gentleman does not know any more about that than he does about getting free quarters in Washington, he draws on his imagination for the facts.

Mr. ANTHONY. To show the great detail with which these homes are inspected I want to read a report of the board made at the Marion Branch on September 15, as appears in the annual report of the Board of Soldiers' Home Managers. If there is any information which can be obtained from this, I would like to have any gentleman point it out. Here it is:

MARION BRANCH, September 15, 1908.

The board made the usual inspection of hospital, buildings, and grounds and heard the complaints of such members as desired to appear before it. The board then proceeded to the Danville Branch and reconvened on September 17.

That is all the information to be gathered from the proceedings at the Marion Branch, and the publication of this annual report of the Board of Managers, while it has nothing to do with the amendment under consideration, cost the Government over \$5,000 to publish, a mere waste of money, because there is no material that gives anybody any information.

Mr. STAFFORD. Is it not a fact that this Board of Managers employs inspectors whose duty it is to make detailed inspection in the respective branches of the home?

Mr. ANTHONY. It is.

Mr. STAFFORD. If they have qualified inspectors for that purpose to report to the board the information, what is the pertinency of the criticism which the gentleman from Kansas makes? There must be some meeting place, the gentleman must admit, for them to conclude their policy and to report to Congress.

Mr. ANTHONY. The general theory would be that it is far better for the officers of this board—the secretary and treasurer and such officers as that—to have the offices and be located at one of these homes, if possible, where they would be absolutely cognizant of existing conditions, and instead of holding official meetings in New York, hold them at one of these homes.

Mr. STAFFORD. I can say to the gentleman that I have had occasion to correspond with the Board of Managers, and have written them on several occasions about matters, and have invariably received a very prompt reply.

Mr. ANTHONY. Which the gentleman would have received from any other location just as well.

Mr. STAFFORD. The question is whether New York City is not properly the headquarters for the purchase of supplies—

Mr. ANTHONY. Few supplies are purchased in New York, but at the homes.

Mr. STAFFORD. But there are other details which are necessary for the proper management of these various branch offices scattered throughout the country and—

Mr. ANTHONY. I call the gentleman's attention to the fact that very few supplies are purchased in New York City; whenever that is done it is done at the homes.

Mr. STAFFORD. But all the contracts can be readily submitted to the officials at New York City—

Mr. ANTHONY. They are sent by mail.

Mr. STAFFORD. And the present president of the board lives not many hundred miles away, and the former president, Governor Murphy, of New Jersey, did not have his home very remote from New York City, and there the members of the board could easily meet to pass upon the business matters of their respective branches.

Mr. TAYLOR of Ohio. The gentleman has been saying a great deal about free rent for offices; I do not think that his amendment provides anything like that.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. ANTHONY. I ask just a few moments.

Mr. TAYLOR of Ohio. This makes it imperative that they shall not pay any of this money for rent of headquarters in New York City. They can go and rent at any other place in the country that they want to. So that this amendment does not go to economy at all. There is nothing about free headquarters in it.

Mr. ANTHONY. It would tend to efficient service if the offices were brought to the city of Washington.

Mr. TAYLOR of Ohio. There is nothing in your amendment to bring them to the city of Washington.

Mr. ANTHONY. I would leave that to the board.

Mr. TAYLOR of Ohio. Then they might take it to the home of some of the members.

Mr. ANTHONY. I should think that it would so appeal to the good sense of the members that they would bring them to Washington or to one of the branch homes.

Mr. TAYLOR of Ohio. Good sense seems to appeal to them to leave them in New York.

Mr. ANTHONY. I do not want the wanton extravagance of maintaining them there any longer.

Mr. TAYLOR of Ohio. Will they not continue, in your mind, to be wantonly extravagant and rent quarters in New York?

Mr. ANTHONY. I am perfectly willing to leave it to the gentlemen to find the proper place.

Mr. COX of Ohio. Mr. Chairman, I move to strike out the last word. There is not a single reason that the advocates of headquarters in New York can advance for their remaining there. There are at least a dozen good reasons why they should be taken away from New York. These soldiers' homes are scattered all over the country, from Togus, Me., in the East, to the Pacific Branch out in California. The element of centrality is an important one in correct business methods, which should obtain in running these institutions. The mileage charges will be less if the headquarters are brought, not to Washington, but to somewhere in the Middle West, say, to Danville or Marion or Dayton. The Dayton Home is a distributing point. The gentleman from Wisconsin suggests that the headquarters should remain in New York City for the reason that there they would be close to the market. As a matter of fact the purchases are made for the most part for the individual branches at those branches. Most of the clothing is furnished for the other branches from the Central Home at Dayton.

Mr. TAWNEY. Where is it purchased?

Mr. COX of Ohio. Purchased by open bids in the open market.

Mr. TAWNEY. Where? Whence does it come when it comes to Dayton?

Mr. COX of Ohio. I suppose from the American woolen trust.

Mr. TAWNEY. Where is it located?

Mr. COX of Ohio. Everywhere on earth, apparently, with headquarters in Washington, I might say; for the past year, at least.

Mr. TAWNEY. Is it not a fact that that clothing is purchased in the city of New York?

Mr. COX of Ohio. I presume they are located in a great many places throughout the country. The gentleman from Minnesota mentions the names of the members of the Board of Managers, and he implies that every member of the board is in hearty sympathy with the present régime at headquarters. I heard one of the oldest members of the Board of Managers say that the headquarters should be removed from New York City.

Mr. FITZGERALD. He ought to say that himself, and not have somebody else voice his opinion.

Mr. TAWNEY. Who constitutes this large minority of the Board of Managers that is heartily sick, as the gentleman says, of the present régime? And has any one of that minority ever made complaint to the Committee on Appropriations because of its dissatisfaction with the present régime?

Or are these men merely dissatisfied because they are not able to do everything that they want to, and are they not using the gentleman from Ohio for the purpose of airing their grievance on the floor of the House?

Mr. COX of Ohio. May I answer that question by asking the gentleman from Minnesota this question: You are the head of the Committee on Appropriations. How many members of the board do you see? You see the president, Mr. Murphy, and Mr. Harris.

Mr. TAWNEY. And Senator Warner and General Henderson, and Captain Wadsworth, and occasionally the gentleman in charge of the Marion Home, Governor Steele, and at Omaha, General Palmer.

Mr. FITZGERALD. Mr. Chairman, I wish to speak in opposition to the amendment.

Mr. Chairman, sometimes gentlemen do not know exactly what they are talking about or trying to do. I have not the slightest hesitation in saying that this is one of those instances. I have never been in the office of the Board of Managers of the Soldiers' Home, but I know where it is located. I do not know when the office was first established in the city of New

York. I am inclined to think, however, that it was located there for the convenience of a member of the board, who for many years was president of the board, the late Gen. Martin T. McMahon. He was a justice of the court of general sessions of the city of New York, and the offices were located in a building directly opposite to the court-house. I know, and men who knew General McMahon are aware, that he was a diligent and attentive man, and gave much time to the service of the Board of Managers. The present president of the Board of Managers is Mr. Wadsworth. He does not live in the city of New York, but I understand that his business requires him to spend considerable time in the city.

It may be, Mr. Chairman, that New York City is the place least adapted for the office of the Board of Managers, but I am inclined to believe that the men who have been selected to manage and control the affairs of these soldiers' homes could be more safely trusted to locate the offices of their board than gentlemen representing districts in which homes are located and who seem anxious to have the board located within their borders. What will be the effect of this amendment of the gentleman from Kansas? Not to effect any reform, not to accomplish any worthy purpose, but to compel the board to abandon the offices which have been maintained for many years.

Mr. ANTHONY and Mr. COX of Ohio rose.

Mr. FITZGERALD. Wait until I get through with this statement. And if the board were forced to remove the office out of New York, it could at once establish its office in Jersey City, across the river, equally accessible to Governor Murphy and Mr. Wadsworth, so that the effect of the gentleman's amendment would be to leave the Government liable upon the lease which now exists for the office in the city of New York and incur additional expense for an office somewhere else.

Mr. COX of Ohio. The purpose of that amendment is simply to save the Government that much expense.

Mr. FITZGERALD. How much expense?

Mr. COX of Ohio. Your committee does not know, and it ought to have the information to give to this House.

Mr. FITZGERALD. What expense?

Mr. COX of Ohio. Why, the rent.

Mr. FITZGERALD. How much is the rent now?

Mr. COX of Ohio. Your committee ought to know.

Mr. TAWNEY. Including incidental expenses and stationery, \$5,450.

Mr. COX of Ohio. I asked your committee about it and received no information.

Mr. FITZGERALD. If I were to undertake to tell the gentleman from Ohio what rent is being paid in New York City, he would have no more information as to whether it was reasonable or unreasonable than he or anybody else does who has not had some experience in renting an office in the city on which to base an intelligent opinion as to the value of an office in that city.

Mr. ANTHONY. Does not the gentleman know that there is ample room in any one of the branch homes to supply offices for the board?

Mr. FITZGERALD. I do not know that there is, or how much they desire.

Mr. ANTHONY. I know that there is.

Mr. FITZGERALD. The Board of Managers want additional accommodations at the homes for many purposes.

Mr. ANTHONY. The gentleman has not read his own hearing.

Mr. FITZGERALD. Now, why should the office for the Board of Managers be placed either in Kansas or Ohio? It should rather be accessible to the president of the board, who is the man who does most of the work, and the man who is expected to do most of the work. I have listened to the statement as to what this board does and does not do. I find that it had an extraordinary meeting, held in Washington on the 8th day of December, 1908. The meeting was attended by the President of the United States, the Chief Justice of the Supreme Court, and other members, and that certain business was transacted.

Mr. ANTHONY. What business was transacted?

Mr. FITZGERALD (reading):

The president of the board presented the estimate for the quarter ending March 31, 1909, which, after careful consideration, was agreed upon, as follows:

Then follows the allotment of the amount for the various homes, aggregating \$1,410,725. I suppose the gentleman from Kansas would like a verbatim report of what was said by each individual member about the detailed estimates, and then probably he would come here and complain of the extravagance of the board in printing such a report.

I presume when the President of the United States and the Chief Justice of the Supreme Court and the other members of this board met and had the estimates presented to them and approved them that they required a full and careful explanation, and did not go through the formality of approving of those estimates like a lot of mummies. I am inclined to believe that the board is much better equipped to transact its business and to manage its affairs and to determine where its headquarters shall be than is the gentleman from Kansas.

Mr. COX of Ohio. As a member of the Committee on Appropriations, I am quite sure that the gentleman from New York knows that the last three homes have been established without any necessity whatever; that there are, substantially speaking, no more soldiers in the homes now than there were in 1897 when the first of the last three homes were created. Now, I want to say—

Mr. FITZGERALD. Oh, the gentleman wishes to ask me a question, and I have permitted him, but I will not permit him to ask a question and answer it at the same time. It depends upon what the gentleman means by the necessity for these homes.

There is no necessity for all of these homes, if they be restricted to the inmates for which they were originally established; but as the survivors of the civil war dropped out, Congress has from time to time extended the classes from which admission could be had. If I be not mistaken, it was only last year that another class from which persons might be permitted to enter these homes was added.

Now, Mr. Chairman, simply for the purpose of creating a belief in some place or other that some great reform is to be effected, the gentleman from Kansas, without any information, without any knowledge of the situation, desires to prevent the payment of rent for an office in the only place where the board has one established. Perhaps it can be abandoned. I do not know whether it should be. The board has two rooms in the building of the New York Life Insurance Company, which occupies an entire square in the city of New York. It is one of the very large office buildings in that city. As rent goes in such buildings, I suppose the board pays about \$2 a square foot for space. It may be desirable or it may not be desirable to have the office located in that place.

But simply because it has occurred to the gentleman from Kansas that the office in New York should be abandoned, I doubt if it be wise for this House, without a hearing, without opportunity for the board to be heard or to give an explanation of the reasons that exist for an office there, to provide that the office shall be discontinued on the 1st of July.

Mr. COX of Indiana. Will the gentleman yield?

Mr. FITZGERALD. Certainly.

Mr. COX of Indiana. The gentleman has argued his point well. Can he assign any reason why the office should not be discontinued in New York City and located somewhere nearer the center of the homes?

Mr. FITZGERALD. No; and I can not assign any reason why the board should not be abolished and the House manage the homes without the assistance of the men who have been selected for that purpose. If I followed the logic of the men who imagine they can administer the affairs of the home without information from the men who are familiar with the affairs, I might agree with him.

I am well acquainted with the president of the board, Mr. Wadsworth, and in his testimony before the Committee on Appropriations he showed a familiarity with the various homes and their requirements possessed by few of the officials of the government service in Washington who come before the committee. I undertake to say that his judgment is much better and much more reliable than that of the Members here who, because they represent a district in which homes are located, imagine that some capital can be created by an attempt to abolish an office that they not only have never seen, but could not find if they were sent to locate it without police assistance. [Laughter.]

Mr. COX of Indiana. Mr. Chairman, it is immaterial to me—

Mr. FITZGERALD. It is immaterial to me, too.

Mr. COX of Indiana. It is immaterial to me whether the office is located in New York or Ohio. Let me put this question to the gentleman. Here is an item for traveling expenses, Board of Managers, officers and employees, when detailed on inspection work, \$16,000. Does not the gentleman believe that this work could be administered more economically, as well as efficiently, if the office in New York was abandoned and transferred nearer the center of the homes?

Mr. FITZGERALD. Well, I do not know. They would have to travel just as far back to Maine as they now have to travel

out to Kansas and Ohio. I am inclined to think that the board—

Mr. TAWNEY. The proposition of the gentleman from Indiana is not before the committee, I would say to the gentleman from New York. It is not a question of where the offices are going to be. It is a question of their not being at a certain place.

Mr. COX of Indiana. The chances are if they could not get them located—

The CHAIRMAN. To whom does the gentleman from New York yield?

Mr. FITZGERALD. Mr. Chairman, I think I will yield to myself now for a moment. [Laughter.] If I had my way, I would require all offices possible to be located in the city of Washington, but I would not arbitrarily discontinue an office some place else without any information other than simply to please the caprice of Members who suddenly awaken on the floor without calling to the attention of the committee their grievance as to the location of the office of the Board of Managers when the committee is in session and the Board of Managers is in the city.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. TAWNEY. Mr. Chairman, I simply want to call the attention of the committee to the fact that there are ten homes. The administration of these ten homes is by law placed under the control of the Board of Managers. It is, therefore, absolutely necessary that this board should have headquarters somewhere from which point the general administration of the homes can be properly conducted. The headquarters of the board when General Franklin was chairman was at Hartford, Conn. That was his home. Succeeding him was General McMann, a resident of the city of New York, and the headquarters of the board were moved from Hartford, Conn., to New York. Succeeding him for a short time was Governor Murphy, of New Jersey, residing near New York, and the headquarters were retained there. Succeeding Governor Murphy is General Wadsworth, who is a citizen of New York, residing in New York, and the headquarters of the office have been retained there ever since General Wadsworth became the president.

When General Butler was president of the Board of Managers the headquarters of the board was in Boston. In all cases since the organization of this board it has been the uniform rule to maintain headquarters of the board at the home or as near the home of the president of the board as possible, because all administrative work must necessarily be performed by him. That is, he has general supervision; and it is for the convenience of the president of the board that the headquarters have always been located at or near the home of the president of the board. For that reason, Mr. Chairman, I trust that the amendment offered by the gentleman from Kansas and supported by the gentleman from Ohio [Mr. Cox] will not prevail.

I move that all debate on the paragraph and pending amendment be closed in two minutes.

The motion was agreed to.

Mr. ANTHONY. Mr. Chairman, we have heard a lot of talk on this subject. Some of the gentlemen have demonstrated, especially the gentleman from New York [Mr. FITZGERALD], that he can talk just as volubly on subjects when he uses his gray matter as when he does not [laughter], and he has failed to illumine this whole discussion with the slightest common sense. I want to say that I have just one object in my mind in offering this amendment, and that is to do away with the one-man power and the one-man administration on the part of the Board of Managers, which the gentleman from Minnesota [Mr. TAWNEY] and the gentleman from New York [Mr. FITZGERALD] applaud so highly. I believe it would be far better to have some central location, some central office for this Board of Managers, which would be accessible to all the managers of the board instead of two or three, and unquestionably such a location accessible to all of the members would result in greater good to the inmates of these soldiers' homes. Let us take the one item of mileage. The item of mileage alone will run up into double the figure for meetings held in New York City than it would at some central point. If you want it in a big city, take Chicago or Cleveland, or far better, take one of the soldiers' homes, like Dayton or Marion, or any other.

Mr. TAWNEY. Or Leavenworth.

Mr. ANTHONY. No; I have not mentioned Leavenworth.

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

The question was taken; and on a division (demanded by Mr. ANTHONY) there were—ayes 13, noes 32.

So the amendment was rejected.

The Clerk read as follows:

In all, for National Home for Disabled Volunteer Soldiers, \$4,201,800.

Mr. COOPER of Wisconsin. I would like to ask the chairman of the Committee on Appropriations, ought not the total to be changed, in view of the fact you have increased the amount \$100,000?

Mr. TAWNEY. There will be a number of changes, and when we get through with the bill unanimous consent will be asked to change the several totals in the bill.

The Clerk read as follows:

Provided, That no part of the foregoing appropriations shall be expended for any purpose at any branch of the National Home for Disabled Volunteers that maintains or permits to be maintained on its premises a bar, canteen, or other place where beer, wine, or other intoxicating liquors are sold.

Mr. KELIHER. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 89, line 21, after the word "sold" add:

"Unless such branch is located in or within 5 miles of a city or town in which the sale of intoxicating liquors is permitted by law."

Mr. TAWNEY. Mr. Chairman, I reserve a point of order upon the amendment.

Mr. KELIHER. Mr. Chairman, when the original limitation amendment was put upon a sundry civil appropriation bill a few years ago those who advocated it contended that with the abolition of the canteen from the soldiers' home would come a higher standard of morality and discipline within the soldiers' homes. We were told that with their elimination would depart temptation, and within a very few years a higher standard of discipline would ensue, and the blessings of the occupants of these soldiers' homes would be showered upon the Congress, and that the veterans would manifest their appreciation of the change by a notable diminution in the number of arrests for violations of the rules of the homes by intoxication. We have had the canteen abolished for four years, and it is now ample time for the House to seriously consider whether its abolition has had a good or a bad effect upon the membership of the homes, morally and physically. I contend that it has not. I hold here a report of the acting inspector-general which treats, in part, upon the subject of discipline in these homes. There has been, according to this report, an increase of 32 per cent in the arrests for intoxication within the homes since the canteen has been abolished. Surely what was predicted by its proponents is not materializing. Thirty-two per cent in four years! Now, let me read a little into the details:

There were 21,000 soldiers in the soldiers' homes in 1906 when the canteen was maintained, and the arrests for drunkenness that year were 3,221. In 1909, after four years of no canteen, with a less population, namely, 20,271, the total number of arrests for drunkenness is 4,247. In 1906 1 inmate for 6.5 was arrested for intoxication, while in 1909, without the canteen, 1 in 4.7 are arrested. Now, if the gentleman who offered that original amendment, and those who so fervidly advocated its adoption, have as their chief concern the moral and physical welfare of the old soldier, assuredly to-day they will not take issue with my amendment. Mr. Chairman, it aims simply and solely, where a soldiers' home is located within a belt that has voted wet, within a community in which liquor is sold by law, that within that soldiers' home the canteen may be established and maintained. But if a home be located within a belt that is dry, where within the adjacent territory liquor can not be lawfully purchased, a canteen can not be maintained. I believe we are all in accord upon one proposition, and that is that it is much better for the old soldier who drinks—and the records show that he does drink, and common sense teaches us that he will drink, because in the evening of his strenuous life his habit of years is not going to change; for men who were 70 years of age when the canteen was abolished are now 74—if those men are going to drink, will anybody dispute the proposition that it is much better for them to do so under the guiding eye of the superintendent of their home, within and subject to the regulations of that home?

Is it not better that the old soldier drink under those conditions than to go away from the home and drink in saloons where nobody has any particular concern for his welfare? If the enemies of the canteen are honest and sincere in their solicitude for the moral and physical welfare of the old soldier they will offer no opposition to the amendment which I have offered.

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

Mr. KELIHER. Certainly.

Mr. PARSONS. What is the report from which the gentleman read?

Mr. KELIHER. This is a report of the inspection of the several branches of the National Home for Disabled Volunteer Soldiers made August 11, 1909, to October 27, 1909, by Maj. A. W. Brewster, Eighteenth Infantry, acting inspector-general. It is an official document.

Mr. PARSONS. Does it show whether the drunkenness is greater in homes near wet territory than it is in homes in a dry territory?

Mr. KELIHER. I have no way of hurriedly ascertaining, but it has been stated by almost every official and individual who comes in contact with the occupants of these homes, men who scientifically know, men who have had occasion to study, it is the consensus of opinion of these impartial authorities upon the subject that the canteen abolishment has been a mistake.

Now, I do not propose to put the canteen back in territories where liquor can not be obtained. I do not propose to furnish temptation where none exists. I propose to put back the canteen only into territory where liquor can be obtained. As the soldier must have liquor, let him have it within the confines of his home, which has been provided by the Government for his ease and comfort, rather than force him to go outside, rendering possible such conditions as were depicted by the gentleman from Ohio [Mr. Cox] here recently.

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

Mr. KELIHER. Certainly.

Mr. SIMS. Because liquor can be gotten within 200 or 300 yards of this Capitol, would you bring it back and put it in the Capitol building like it once was?

Mr. KELIHER. Answering the gentleman, I do not think it would make much difference to the membership of this House whether it was brought back or not, because the man who wants a drink can get it.

Mr. SIMS. You have not been here very long, then.

Mr. KELIHER. I have been here as long as you have.

Mr. SIMS. I make the point of order it is new legislation.

The CHAIRMAN. The Chair will hear the gentleman on the point of order.

Mr. FITZGERALD. I make the point of order it comes too late.

The CHAIRMAN. The gentleman from Minnesota reserved the point of order. The Chair will hear the gentleman from Tennessee on the point of order.

Mr. SIMS. I do not think I can enlighten the Chair on this question.

Mr. KELIHER. I wish to be heard, Mr. Chairman. The original limitation which this amends was ruled at the time offered by the Chair to be in order. This merely amends a limitation. It does not change the original limitation from a limitation. It does not change the character of it. It merely fixes new conditions under which the appropriation will be available by amending a limitation which has been ruled to be in order.

The CHAIRMAN. The Chair is prepared to rule. The proviso in the bill is: That no part of the foregoing appropriations shall be expended for any purpose at any branch of the National Home for Disabled Volunteers that maintains or permits to be maintained on its premises a bar, canteen, or other place, where beer, wines, or other liquors are sold. The present occupant of the Chair does not personally remember whether that proviso in the exact language has been ruled upon, but substantially, if not exactly, it has been ruled in order. The gentleman's amendment proposes to insert, after the language just read, the following as a part of the paragraph:

Unless such branch is located in or within 5 miles of a city or town in which the sale of intoxicating liquors is permitted by law.

The present limitation in the bill is an absolute limitation or prohibition, but if amended by the gentleman's amendment would be simply a limitation as to certain branch soldiers' homes, those which were not located within or within 5 miles of a city or town in which the sale of intoxicating liquors is permitted by law. The amendment offered by the gentleman seems to the Chair to carry out the purpose of the limitation or to restrict the limitation and sale, maintaining entirely the form of the limitation. It does not affect legislation in any way. The Chair therefore overrules the point of order.

Mr. STAFFORD. Mr. Chairman, I offer an amendment, to substitute "prohibited" for the word "permitted." I think the gentleman from Massachusetts has made an inadvertance and intends to have this proviso applicable only in cases where the sale of liquor is prohibited; that is, when the home is located within 5 miles of a city where it is prohibited.

Mr. KELIHER. The gentleman from Massachusetts wants to permit a canteen to exist in a home which is located within 5 miles of a city or town where liquor is permitted to be sold.

Mr. STAFFORD. I withdraw the amendment, Mr. Chairman. I see the qualifying effect of the word "unless" that brings it within the purview of the gentleman's intention.

Mr. SIMS. How many of these soldiers' homes are located more than 5 miles from a city in which liquor is sold, if any gentleman knows and can answer the question? I confess I do not.

Mr. KELIHER. I should say 50 per cent.

Mr. SIMS. Located within 5 miles?

Mr. KELIHER. Located within 5 miles.

Mr. SIMS. Where liquor is sold?

Mr. KELIHER. And also where liquor is not sold.

Mr. SIMS. Your amendment, then, only applies, if I understand, to soldiers' homes that are within 5 miles of where liquor is sold?

Mr. KELIHER. Yes.

Mr. SIMS. And about 50 per cent are so located?

Mr. KELIHER. Yes.

Mr. SIMS. And 50 per cent are not so located. Is that correct?

Mr. KELIHER. Yes.

Mr. SIMS. Therefore the gentleman is in favor of giving the old soldier the canteen where the towns are nearest, and they have the least inconvenience to get liquor; but those not within that limitation, therefore, can not have a canteen under this amendment, if I understand it?

Mr. KELIHER. Why, Mr. Chairman, my purpose is, in view of the fact that they can obtain liquor, as the records show, they will obtain liquor under the least dangerous circumstances to themselves, and under proper and friendly regulation. There is a regulation over the drinking veteran who drinks within the soldiers' home, but there is no regulation which can or does prevent him from getting liquor promiscuously outside.

Mr. SIMS. I am not asking you for an argument, but to construe your own amendment. Your amendment will permit a canteen to exist in a soldiers' home within 5 miles where they can get it outside of the home.

Mr. KELIHER. Yes, sir.

Mr. SIMS. And to all homes more than 5 miles from where it is sold it does not apply.

Mr. KELIHER. No, sir.

Mr. SIMS. Therefore the purpose of the gentleman's amendment is that at all soldiers' homes located within 5 miles of a town where liquor is sold a canteen shall be permitted; but at all those not located within 5 miles, or located farther than that, it is to be refused? Therefore it is not done for the old soldier; his wants and his wishes are not to be considered, but only those old soldiers that live in homes within 5 miles are to have intoxicants served within the home. I do not understand why we should have such class legislation as that. If the old soldier should be permitted to have a canteen, if the canteen is a good thing to have in a home within 5 miles of where whisky is sold or where intoxicating drink is sold, it would be better to have it where it is more than 5 miles. If it is a good thing for him and a benefit to him to have a canteen, why restrict amendment, why should they not have a canteen in those homes more than 5 miles from a town where they can now buy the liquor?

Mr. KELIHER. Would the gentleman support that proposition?

Mr. SIMS. No; I would not. Because I do not believe the canteen is necessary for the comfort, the happiness, or the health of the old soldier in the home or anywhere, either within 5 miles or more than 5 miles. [Applause in the galleries.]

The CHAIRMAN. The galleries will be in order, or the Chair will order them to be cleared.

Mr. SIMS. If it is for the benefit of the soldier who is within a home within 5 miles of where it is legal and lawful to sell liquor, if the gentleman wants to benefit those who are thus inconvenienced, he certainly ought to be willing to benefit those men who are being more inconvenienced by being more than 5 miles away. Now, this is simply an insidious effort on the part of the gentleman from Massachusetts and those who support his amendment to break down the existing law by encroachment. Next time it will be 10 miles. I have had occasion before to refute the imputation made against the old soldier, that by preventing him from having the canteen he is going out and make a beast of himself; that he is going to leave the home and go out in the city and become intoxicated; and therefore, in order to keep him from going out and debauching himself, we will sell these light wines and beers authorized in the canteen within the home.

In other words, the old soldier who fought to save the country, who shouldered the musket and met shot and shell is

not able to control himself, and it is necessary to have these canteens in order to keep him from debauching himself. I say that any such legislation as that is a reflection upon the old soldier.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SIMS. I would like to have five minutes more.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that he may have five minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. KELIHER. Now will the gentleman answer a question?

Mr. SIMS. Certainly.

Mr. KELIHER. I would like to ask the gentleman if it is not a reflection when he proceeds upon the presumption that all the veterans will get drunk if liquor is available? I contend that that is a reflection upon the veterans.

Mr. SIMS. I would treat them all alike; and if you are going to permit intoxicants to be sold at a home anywhere, permit it to be sold in all the homes everywhere. This is nothing but an endeavor to break down the legislation that Congress has passed and the country has sustained.

Now, it is too clear, it seems to me, to need argument that it is a reflection upon the old soldier that he goes out and debauches himself if he has an opportunity, when it is not over 5 miles from the soldiers' home to where liquor is sold, that he will leave the home and go and buy bad liquor, impure liquor, and become debauched; and therefore in order to keep him from going and patronizing low saloons we must give him a respectable saloon within each one of the soldiers' homes within 5 miles of where intoxicants are sold, but that in a home that is 5½ or 6 miles from a city it is to be presumed that the soldiers will not walk or ride that other half a mile to debauch themselves.

Mr. KELIHER. Will the gentleman yield?

Mr. SIMS. Yes.

Mr. KELIHER. If the gentleman's argument is sound, will he kindly explain to the House why in the Mountain Soldiers' Home, at Johnson City, Tenn., located in a dry territory, when they had the canteen but 108 inmates were disciplined in one year for intoxication, while without the canteen 179 in a like period have been disciplined for intoxication? If the absence of liquor means the absence of temptation, how did these men get drunk?

Mr. SIMS. If they are getting the stuff, why do you want to turn them loose? If they are getting more of it with the canteen out than in, why are you so insistent? Are they suffering for the lack of it? [Laughter.]

Mr. KELIHER. I am questioning the gentleman's sincerity.

Mr. SIMS. The question of discipline is a question of the enforcement of the law. I do not know whether the offenses have always been prosecuted exactly alike or not.

I do not think the inmates of the soldiers' home are any less or any more men than Members of Congress are. Members who have been here ten or twelve years will remember when liquor was sold in both ends of the Capitol, and, I venture to say, that sobriety has increased in a most perceptible way since its sale has been abolished. And yet you can go 200 yards from here and get it, and why do you not do it? Because some men will go and get it, will you bring it back into the Capitol again? That is the theory upon which this amendment is sought to be had. I suppose the old soldier gets all he ought to have, and I do not believe that the old soldier is behind this movement. This movement is made by the men who want to supply the liquor. Behind the movement is the dealer, and not the user. Why do we not have the old soldiers petitioning for the restoration of the canteen? It is always the report of some individual, somebody who holds an office. I think more of the old soldier than that. Some of them will drink, and some of them will go 5 miles in order to do it, and if he will do it, he will go 5½ miles in order to get his liquor. This is only an insidious attempt to get this legislation through, and if this amendment is adopted, others will follow in due time.

Mr. TAWNEY. Mr. Chairman, I move that all debate on the paragraph and pending amendments close in ten minutes.

The motion was agreed to.

Mr. STAFFORD. Mr. Chairman, when the question of the discontinuance of the canteen was under consideration last in this House, the advocates of it contended that it was a temperance measure. In support of the canteen we presented arguments of army officers, of chaplains, of every national home, to show that it tended toward sobriety; that if you would discontinue the canteens in the homes, you would necessarily drive the old soldier without the homes to the low places where they were waiting to prey upon the old soldier for their selfish ends.

The figures cited by the distinguished gentleman from Massachusetts [Mr. KELIHER] confirm every contention made then by the advocates in favor of these canteens. That cases of drunkenness have increased 30 per cent since its discontinuance is not surprising to those acquainted with the facts and the good influence of the canteen for morale and discipline when it existed.

Why do we say the canteen tends toward temperance? Because in the home exchange are sold only mild beers and mild wines.

The testimony shows that beer containing only 3 per cent of alcohol and wines with a very mild degree of alcohol were sold therein. The governors of the homes appealed to Congress that the canteen should not be displaced, because it works for the welfare and discipline of the homes. The old soldiers in their declining age can not have their habits changed—their habits are formed. Time hangs heavily upon them; they have no occupation, no vocation, and have to pass the long hours of the days and nights in the homes with little diversion. If they have the appetite formed in early years, and if the home is located in so-called wet cities, what else is there for the old soldier to do but to satisfy his appetite, to go without the bounds of the home, to go where they will prey upon him, go where no person should be allowed to go, and particularly no old soldier. If the Members in this House have any gratitude, any feeling of charity and respect for these old soldiers, they would one and all, if they knew the conditions, rise up and put this amendment into force so as to save these old soldiers from being driven out beyond the bounds of the national homes, where the government officers have no control and where they are prayed upon by the proprietors of these places which know nothing except to dethrone the reason and appeal to the baser instincts of these men.

Oh, yes; this is a temperance measure. Anyone can see in view of the statistics that more liquor is consumed by the old soldier since the canteen has been abolished, that it is not for the interest of the liquor dealers to have the canteen maintained. I appeal to the sentiment of the Members of this House, who each and every one, as I believe, has the welfare of the old soldiers at heart, not to allow them to be continued to be preyed upon, but to allow them to have this mild beverage within the post, sold to them under regulations that do not permit them to become intoxicated, sold to them in quantities which will not hasten their declining days, sold to them so that they may continue to live and enjoy the great benefits and advantages that this Government of ours has conferred upon these old worthies of the late civil war. I hope that this amendment will be adopted.

Mr. TIRRELL. Mr. Chairman, I rise in opposition to this amendment. The policy of the Government in regard to this measure has already been established, established in two directions, and made permanent law. One is in the National Home here in Washington, where no canteen from the beginning has been allowed, and where no saloon within a mile of the grounds can be established. Secondly, some seven or eight years ago, from the other side of this House, there was a motion made which was enacted into permanent law, under which this Government could donate no appropriation to any state home where the canteen was permitted. Then we rounded up the legislation by putting in a limitation to the appropriation for the volunteer national homes, not by enacting this provision into permanent law, but by putting on this limitation year by year, being a provision to a similar effect, so that now the policy of the Government is uniform throughout the country, that neither to the National Home or the state homes or to the volunteer national homes should money be permitted to be granted toward their maintenance, if the canteen was established in that home. Are we to violate the moral sentiment of this country by reenacting a provision which is opposed in all other directions by the National Government, so far as the maintenance of the old soldier is concerned in these homes, and return to those days about which so much criticism has been made, when the canteen was permitted and numerous instances of intoxication and debauchery were shown?

It is cited here that there has been an increase in arrests. Now, I think we have an illustration in regard to arrests in the application of the local-option law in Massachusetts, where our towns and cities are voting one year for local option and the next year against it. You can not tell by the number of arrests whether that law is effective or not. It depends altogether upon the enforcement of the law. When the canteen is upon the soldiers' grounds the veterans can be taken, more or less intoxicated, to their rooms, conducted there by their friends or by the officials of the institution, and no one can tell how many soldiers are under the influence of intoxicating liquor. When they go outside, however—when especially the

governor of the institution is in favor of the canteen—then everyone who returns to these homes more or less intoxicated is arrested, and so the aggregate number appears larger. It is contrary to common sense, it is contrary to my own observation that where there are open saloons at your very door there are a less number of arrests than where a man has to sneak around corners, has to dive down into cellars, and to wander round 4 or 5 miles to get a drink. The latter man will get more intoxicated under those circumstances than under the other, but there will be far fewer of them. The truth of the matter is the more open the sale of liquor is made, the more accessible liquor is, the more general will the community come under its influence.

Mr. BARTHOLDT. Did I understand the gentleman to say that there are more arrests in dry counties than in wet counties in Massachusetts?

Mr. TIRRELL. It often happens in this way. For example, we will take my own town, which usually is under the license system, but which has now and then a régime of total abstinence. Almost invariably the first year the town returns to prohibition there are more arrests made, and why? Because the officers are enjoined by the officials of the town to arrest every man who is under the influence of liquor, whereas when we have saloons a man must be dead drunk in the gutter before he is arrested by the officers, and there are hundreds and hundreds of intoxicated men who are not arrested at all. In one case the arrests are made whether they are under the influence of liquor to any appreciable extent or not, and in the other case they have to be dead drunk in the gutter before they are arrested by the officers and taken to the lockup, and that makes the aggregate number of arrests more during the first year or so of prohibition than under the license law.

Mr. BARTHOLDT. But if the gentleman will take the census figures in Bulletins Nos. 20 and 45, issued by the last census, he will find that the number of arrests for drunkenness and all other causes in dry counties exceed the number of arrests for the same causes in wet counties.

In other words, there are more arrests in prohibition States for drunkenness and all other crimes than in the wide-open States.

Mr. TIRRELL. There is no illustration by taking all other crimes, nor is there any pertinency in the figures given by the gentleman from Massachusetts, because we do not know how many of those 4,247 arrests were caused by liquor.

Mr. RUCKER of Missouri. I would like to ask the gentleman from Missouri—

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. RUCKER of Missouri. I would like to ask the gentleman if he really believes what he has just now stated?

Mr. BARTHOLDT. The census says so.

Mr. RUCKER of Missouri. Does the gentleman believe the census?

Mr. BARTHOLDT. Yes; I do.

Mr. RUCKER of Missouri. I do not.

Mr. KELIHER. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to proceed for five minutes. Is there objection?

Mr. GRONNA. Mr. Chairman, I must object.

Mr. TAWNEY. The committee fixed the time for closing debate.

The CHAIRMAN. The gentleman from North Dakota objects. The question is on agreeing to the amendment offered by the gentleman from Massachusetts.

The question was taken; and the Chair announced the noes seemed to have it.

On a division (demanded by Mr. KELIHER) there were—ayes 17, noes 51.

So the amendment was rejected.

The Clerk read as follows:

Hereafter the application of any person for membership in the National Home for Disabled Volunteer Soldiers and the admission of the applicant thereunder shall be and constitute a valid and binding contract between such applicant and the Board of Managers of said home, leaving no heirs at law nor next of kin, all personal property owned by said applicant at the time of his death, including money or choses in action held by him and not disposed of by will, whether such property be the proceeds of pensions or otherwise derived, shall vest in and become the property of said Board of Managers for the sole use and benefit of the post fund of said home, the proceeds to be disposed of and distributed among the several branches as may be ordered by said Board of Managers, and that all personal property of said applicant shall, upon his death, while a member, at once pass to and vest in said Board of Managers, subject to be reclaimed by any legatee or per-

son entitled to take the same by inheritance at any time within five years after the death of such member. The Board of Managers is directed to so change the form of application for membership as to give reasonable notice of this provision to each applicant and as to contain the consent of the applicant to accept membership upon the conditions herein provided.

Mr. COX of Indiana. Mr. Chairman, I reserve the point of order on the paragraph.

The CHAIRMAN. Does the gentleman make or reserve the point of order?

Mr. COX of Indiana. I think it is clearly subject to the point of order.

Mr. TAWNEY. I not only think so, Mr. Chairman, but I know it. I do not think the gentleman from Indiana, or any gentleman of the House, will insist upon the point of order when he fully understands the matter.

Mr. COX of Indiana. I will reserve the point of order for the purpose of getting information. I would like to have the gentleman explain it.

Mr. TAWNEY. The reason for this provision is this—and I trust I may have the attention of the committee, because this is a matter of considerable importance. At all of the homes there are a great many soldiers die, leaving on deposit in the banks of the city in which the home is located a certain amount of money. Now, if they die intestate and without heirs that money remains in the bank. Instances have occurred where men have fraudulently taken out letters of administration for the purpose of getting the money on deposit belonging to the soldier at the time of his death. At the Dayton Home in Ohio there is in the banks to-day over \$30,000 unclaimed by relatives or heirs or legatees.

That fund is increasing, and the committee had information to the effect that the State of Ohio, proceeding under the law of escheat, was about to bring suit against the managers of the banks to recover that money for the benefit of the State. There is in the neighborhood of \$30,000 on deposit in the banks of Milwaukee, and there are large sums of money on deposit, unclaimed, in the banks of the cities where all of the other homes are located. Now, the theory on which this provision has been drawn is this: Proceeding upon the theory that where the old soldier dies without heirs or legatees, he would rather that money which he leaves behind should be paid into the post fund for the benefit and the comfort of his old comrades rather than allow it to go back to the State, of which he might not even be a citizen, because these men who are in the home are not always citizens of the State in which the home is located; for that reason we have provided here, or we have incorporated this provision, so that in every case where the old soldier dies and leaves money on deposit, or other property undisposed of by will and unclaimed by legatees or heirs, that money shall be used for the benefit of his comrades and not go back to the State under the law of escheat.

That is the reason for it, and that is all this provision accomplishes; and in order to make it legal this provision provides expressly that the form of application be so changed that every old soldier who applies for admission to one of these homes, in making out his application, is notified of this fact and his consent to the disposition of his money and property at the time of his death is obtained. In no other way can we change the law of descent in the States. I do not think there is a Member of this House who can justly complain of or criticise the provision. It is in the interest of the old soldiers remaining here after their comrade has died without disposition of his property, that in that event his property, whatever it may consist of, may be deposited for the benefit of those old soldiers who are occupants of these homes.

Mr. COX of Indiana. Now then, will the gentleman yield further?

Mr. TAWNEY. Yes.

Mr. COX of Indiana. I notice the beginning of this paragraph provides that when an application is made for membership to any of these homes by any person, that that shall constitute a binding and valid contract between the person making the application and the Board of Managers, not only for the money that the soldier may have as a result of his pension, or the pension he may have remaining at the time of his death, but for all of his personal property. Now then, does the gentleman believe it is proper legislation—

Mr. TAWNEY. I do.

Mr. COX of Indiana (continuing). To legislate away simply by contract a person's property?

Mr. TAWNEY. Oh, no.

Mr. COX of Indiana. Is not that the very force and effect of this provision?

Mr. TAWNEY. Now, the gentleman from Indiana is a lawyer, and a good lawyer, and he knows that is not the effect of this provision. I will say the provision was drawn by Judge SMITH after the most careful consideration, taking into account the fact that in all of the States there is provision made for the settlement of estates belonging to deceased citizens. This provision would call to the attention of the applicant, and it would be notice to him, that if he had no heirs, which, of course, he would know, or if he had not made a will disposing of his property, he would have notice of the fact and could arrange to dispose of his property by will.

[The time of the gentleman from Minnesota, Mr. TAWNEY, having expired, by unanimous consent he was granted five minutes more.]

Mr. COX of Indiana. I want to put the question to the gentleman again. It may be that I am unable to construe the language of this paragraph, but as I construe the meaning of the language under consideration it provides that the application of the person seeking admission into any institution, and his admission by the Board of Managers, shall constitute a valid and binding contract with the board of managers for a disposition not only of the money which he may have as the result of his pension, but of all personal property of which he may be the owner. Now, is the paragraph under consideration subject to that construction?

Mr. TAWNEY. As applied to the members of soldiers' homes who die in the homes without disposing of their property by will or otherwise, or having no heirs.

Mr. COX of Indiana. But is it not made a matter prerequisite now under this paragraph that before an individual can be admitted as an inmate of any of the soldiers' homes he must enter into a valid and binding contract, bargaining away not only his pension, but his personal property?

Mr. TAWNEY. He is not bargaining it away at all. He is agreeing that in the event of his death while an inmate or occupant of that home, and in the event of his not disposing of the property himself or of his having no heirs, rather than see his property and his money go to the State in which the home is located—the State in which he has not even been a citizen perhaps—rather than have the money go to the State under those circumstances, he is bargaining that it shall be disposed of for the benefit of his comrades.

Mr. COX of Indiana. Now, if I understand the gentleman's explanation—

Mr. TAWNEY. If anyone can frame language that will more correctly express what I think every man on this floor will say ought to be the law, and afford to the old soldier greater protection in the enjoyment of his property than the language here employed, I will be perfectly willing to accept it.

Mr. COX of Indiana. I am not undertaking to prepare any amendment or any language that would give any more liberty or protection to the old soldier, but what I am trying to get at, if I can elicit that information, is the extent to which this paragraph under consideration goes. Now, under the provisions of this contract, does it not carry all the personal property that the old soldier may die the owner of while he is an inmate of the institution?

Mr. TAWNEY. Certainly. It carries personal property, which includes, of course, any money which he may have on deposit; but it carries it to the home only in the event of his death in the home, without heirs; and, in the event of his death, without his having disposed of his property before death.

Mr. COX of Indiana. That may be.

Mr. TAWNEY. The gentleman from Indiana knows the language expresses that just as clearly as it is possible for the English language to express anything.

Now, in view of the fact that these old soldiers have a considerable fund of money on deposit in the banks, and that deposit amounts in the aggregate to more than \$250,000, one of two things will necessarily follow: Either the banks will continue to use this money for their own benefit, or that property, whether personal property or cash, will escheat to the State, and it is only in cases of that kind that this provision applies, and it is only in cases of that kind that the property or the money, whatever it may be, can be disposed of, and then it must be disposed of for the benefit of the comrades of those who died leaving the property undisposed of.

Mr. COX of Indiana. It is a very serious question in my mind whether or not it ought to go to these soldiers' homes, or whether or not it ought to be escheated to the State for some other purpose.

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

Mr. TAWNEY. I yield to the gentleman.

Mr. FERRIS. I would like to submit this thought to the chairman of the committee. I am in hearty accord with the spirit and the result accomplished by this amendment; but it strikes me that we ought not to place a ban upon any soldier the minute he abandons his home and goes into a soldiers' home. It looks to me like that would destroy the usefulness of the soldiers' homes.

I have not any soldiers' home in my country, nor any soldiers, to amount to anything, in my district; but the thought in my mind is that it will reach a class of soldiers other than the amendment is intended to reach. In other words, every soldier who goes into a soldiers' home enters into a contract by this amendment that he forfeits everything he has in the event he should die without heirs and without a will.

Mr. TAWNEY. I want to say to the gentleman from Oklahoma that no man can sit down and read this provision superficially or hear it read, and consider it only superficially, and determine that it would accomplish the things that he might think on the first reading it may accomplish. There is no ban upon the old soldier.

Mr. FERRIS. Well, the very first provision in your paragraph is that when a man enters a soldiers' home there is a contract on his part that if he dies without heirs he surrenders his property.

Mr. TAWNEY. While a member of the home.

The CHAIRMAN. The time of the gentleman from Minnesota has again expired.

Mr. TAWNEY. This is an important provision, Mr. Chairman, and if the lawyers of the House want time to consider it until to-morrow morning, I would ask that the paragraph be passed over until to-morrow.

Mr. COX of Indiana. I wish the gentleman would do that.

Mr. TAWNEY. Because I do not believe that there is a Member of this House that will not approve of this provision when he thoroughly understands its purpose.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent that the paragraph just read, and to which the point of order is reserved, be passed over—

Mr. TAWNEY. If the gentleman from Ohio can be recognized for five minutes, as he has been consulted in this matter, I will then ask unanimous consent that it go over.

Mr. COX of Indiana. I think if it is to be postponed, the whole matter ought to go over. I want to say to the gentleman from Minnesota I have no disposition to finally press the point of order if I can thoroughly understand just exactly how it affects, not only the various States under this law, but the soldier himself.

Mr. TAWNEY. There is no reason why there should be any difference at all between Members of the House on this proposition, and if gentlemen would only allow the gentleman from Ohio to explain the matter for five minutes they would perhaps be better able to understand it when the time comes to consider it.

Mr. COX of Indiana. If it is to be understood that the gentleman from Ohio shall have five minutes and this matter then go over, I shall not object.

Mr. TAWNEY. Yes.

Mr. COX of Indiana. With that understanding, I reserve the point of order.

Mr. KEIFER. Mr. Chairman, I am in full sympathy with the object intended to be reached by this provision of the bill. I think it may require an amendment possibly to make it effective. I have no trouble about the purpose and the propriety of having the estate of deceased members of the national soldiers' homes go to the benefit of their comrades if they die as members of a national home intestate and without heirs. But, Mr. Chairman, I think it is well enough for us to look and see whether we can accomplish that purpose by that provision. It is an attempt by federal law to provide a new mode of disposing of an estate without regard to state law. It is an attempt on the part of the Federal Government to make, in effect at least, a law of descent applicable in a State in which a home is located. Let me take my own State. The laws of the State of Ohio are probably not different from other States, and of course allow a man to dispose of his estate by last will and testament, and if not disposed of effectively by will, the law comes in and disposes of the estate.

There is no such thing as passing the estate by will and law together. The law is so jealous that if it operates at all it excludes a will in every respect. Now, under the laws of Ohio a man dying in the State, a citizen thereof, his estate would pass by law with no will to his legal heirs—persons who were related to him by blood in some way, or as defined in the statutes of Ohio, but failing legal, the statute provides, as at common law, the estate shall escheat to the State of Ohio.

Now, we propose by this proposition, without any definite consideration, to dispose of the estate of these deceased people—by contract, the gentleman says. Well, if the contract is of a proper character, it may do it, otherwise I think the provision in this bill if it becomes a law will simply lead to litigation and will not stand the test and become effective. In my opinion no law will pass any personal estate left by a deceased resident of Ohio without an administration.

I understand that there is in the banks adjacent to all of these homes some money belonging to old soldiers who have died in them, and that States are claiming it now. The purpose of the provision in the bill is to cut off the right of the State to take the property that in legal effect escheats to the State. We could no more do this with reference to the State than we could by contract provide that the children of the heirs of the deceased soldier should not have any part of his estate.

Mr. CRUMPACKER. Will the gentleman yield?

Mr. KEIFER. Certainly.

Mr. CRUMPACKER. The most serious phase of this case to me is that the creditors could not get the money to pay the debts.

Mr. KEIFER. I think that is not so serious, because I do not believe that this proposition would take the money away from the creditors. In legal effect it would not be his money until the debts were paid, and the home post fund would only take, under the provision, such estate as the deceased soldier left after his debts were paid.

Mr. CRUMPACKER. I think it would.

Mr. KEIFER. In any case there would, under the state law, have to be an administrator to ascertain the fund.

Mr. TAWNEY. If the gentleman will pardon me, a creditor could sue out letters of administration, and under the laws of the State he could then, of course, claim so much of the property as was necessary to reimburse him.

Mr. KEIFER. I think the only estate that would pass, by any possibility, would be that which is left after all debts were paid and which would otherwise go by descent to the State by escheat. I do not think that is so serious a trouble as some others. I think it would not be within the power of Congress to pass a law and say that a man who entered one of these homes might make a contract that his children or other heirs should not inherit at the time he died. I do not believe that we have any right by federal law to regulate the course of descent in a State anywhere.

I want to make this suggestion, however, and I will try to get it in the form of an amendment by to-morrow, as I am not clear about it: We might, I suggest, put in a provision here making it a part of the consideration of admission—in consideration of the benefit that he is to receive through his membership in the home—that the personal property he leaves shall go to the post fund of the home of which he dies an inmate.

A man may make a contract that will be effective not under the law of descent, but he may make a contract in which he will be bound by a proper consideration to give a farm, if you please, to somebody, if the contract has sufficient consideration and is fairly made, as he may by contract give somebody who renders service to him a sum of money payable out of his estate, and it will be enforceable after his death in the settlement of his estate.

[The time of Mr. KEIFER having expired, by unanimous consent it was extended five minutes.]

Mr. KEIFER. A man may make such a contract as I have been trying to state, but it must be based upon a good and fair consideration; but the difficulty might arise in the minds of some persons—and I suggest it for those who want to reflect upon it—that we could not do that because the consideration might not be one moving between the General Government or the home and the soldier and for the use or benefit of the Government or home, but a contract is always upheld in the federal and state courts between two parties for the benefit of a third party. The third party here would be the post fund at the institution. If that could be worked out—and I do not see that it is in this paragraph; but I think we might by proper amendment of the paragraph accomplish what is sought to be accomplished and what ought to be accomplished, if possible.

There are suits pending now to recover estates of deceased inmates of national homes for which there are no known heirs. There is another difficulty—and I am suggesting difficulties—and that is that sometimes the statutes of States provide that where an estate escheats and goes to the State and an heir is discovered afterwards it is repaid to him. There would be no hope of getting any of this back if it went into the post fund of the institution.

Mr. COX of Indiana. Will the gentleman yield?

Mr. KEIFER. Certainly.

Mr. COX of Indiana. So far as I am personally concerned, I do not attach so much importance to the legality of the contract set forth as to the moral side. I will ask the gentleman which is most entitled to this fund from a moral point of view, the soldiers' home or the State?

Mr. KEIFER. Well, I have not any trouble on that subject. If the money could go into a post fund, and is used for the benefit and comfort of the old soldiers that still survive, we can get along with the moral question first rate. There is no trouble on that score. The State has no primary right to it at all under any circumstances. It only goes to a State by operation of law because there is no other place for it to go—that is, by law.

Mr. COX of Indiana. I am not so clear but what the State would have a priority of preference over that of the soldiers' home.

Mr. KEIFER. That is a question that I have not troubled about.

Mr. COX of Indiana. It may be that the soldier has accumulated considerable money.

Mr. KEIFER. Yes.

Mr. COX of Indiana. And that he has lived and operated in a State and has had the benefit and protection of the laws of his state government to thus accumulate that fund, the State having aided and benefited him along that line, and in my judgment the rights of the State appeal more strongly to this fund than do those of the soldiers' homes.

Mr. KEIFER. I do not understand that the State in any specific way has done anything more for the old soldier than for any other citizen.

Mr. COX of Indiana. I mean generally. It has protected him in his property and civil rights.

Mr. KEIFER. The soldiers' home is taking care of him, and if we can make that a good consideration for his contract, the property can go to the soldiers' home post fund by virtue of the contract, and thus inure to the use and benefit of surviving comrades. We can make no statute here that will make the post fund inherit the property. It must pass through an administration of the deceased soldier's estate in the state courts.

Mr. COX of Indiana. Let me put this legal proposition to the gentleman: What does the gentleman think of the proposition as a principle of law as to whether gifts made before death are valid and binding unless the thing given is delivered?

Mr. KEIFER. Oh, I have no trouble with that question. There is no such thing as a gift unless it is delivered before death. In other words, as has been held over and over again, a promise for a gift is no gift at all, and is never enforced in any court, either before or after the promisor's death.

Mr. COX of Indiana. Then if the contract could not be upheld unless the article sought to be given was delivered during a lifetime, what does the gentleman think of the binding force of the contract?

Mr. KEIFER. The binding force of the contract would have to be an agreement on the part of the soldier in consideration of the benefits that he received from the Government as a member of the home, and if that is not a good enough consideration, it will fail.

Mr. COX of Indiana. Well, supposing he violates that agreement, then where does the fund go to under this paragraph?

Mr. KEIFER. If he violates that agreement and he has no money when he dies, there is no trouble about it.

Mr. COX of Indiana. Suppose he has money when he dies.

Mr. KEIFER. He has not violated the agreement if the agreement still is in possession of the home he dies an inmate of.

Mr. COX of Indiana. Where does that money go to, supposing he makes this contract whereby he agrees to enter the soldiers' home, and then violates it before he dies?

Mr. KEIFER. How can he violate it?

Mr. COX of Indiana. I am putting the question to the gentleman, supposing he does violate it.

Mr. KEIFER. How can he violate it?

Mr. COX of Indiana. Supposing he enters into a contract and agrees to live in the home and does not do it?

Mr. KEIFER. Then he will not die in the home, and the provision here would not apply, but if he does die in the home with such a contract, provided always that the contract has a proper, legal, sufficient consideration, then the contract may be executed, I think.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TAWNEY. Mr. Chairman, I ask unanimous consent that this paragraph may be passed over, without prejudice, until to-morrow.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent that the paragraph under consideration may be passed over without prejudice. Is there objection?

There was no objection.

The Clerk read as follows:

State or territorial homes for disabled soldiers and sailors: For continuing aid to state or territorial homes for the support of disabled volunteer soldiers, in conformity with the act approved August 27, 1888, including all classes of soldiers admissible to the National Home for Disabled Volunteer Soldiers, \$1,150,000: *Provided*, That no part of this appropriation shall be apportioned to any state or territorial home that maintains a bar or canteen where intoxicating liquors are sold: *Provided further*, That for any sum or sums collected in any manner from inmates of such state or territorial homes to be used for the support of said homes a like amount shall be deducted from the aid herein provided for, but this proviso shall not apply to any state or territorial home into which the wives or widows of soldiers are admitted and maintained.

Mr. KELIHER. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 91, line 6, after the word "sold," add:

"Unless such home is located in or within 5 miles of a city or town in which the sale of intoxicating liquor is permitted by law."

Mr. KELIHER. Mr. Chairman, I have offered this amendment without any expectation of its being favorably acted upon, but solely for the purpose of answering an argument or two which were irrelevantly made when my other amendment, of a similar nature, was under discussion. My genial friend from Tennessee [Mr. Sims] hinted very broadly that rather was I acting in the interest of the liquor trade when I suggested my amendment than in the interest of the old soldier, common sense, and reason. I beg to assure him I was actuated solely by honest motives, and that I offered the amendment in the interest of the man for whom he talks loudly, but whom he does not serve, when he acts as he has to-day acted on the floor of this House.

Mr. Chairman, reason has no place in the argument of the man who is a slave to the fetich of prohibition, and I think it is regrettable that we can not advocate an honest proposition which has for its purpose a specific reform without having those on the other side fly off into a general discussion of the general evils of drink. Those men seem to be blind to the fact that a man can once in a while take a drink and yet not be a drunkard. They say that our old soldiers' homes are mismanaged because their officials declare in favor of the canteen. They stand on this floor, men who seldom go near a soldiers' home, or if they do once in a while, do not because of bias upon this subject, get in touch with the sentiment of those homes. After chaplains of the homes, doctors of the homes, superintendents of the homes say it is wrong, because it is impracticable, to attempt prohibition in these homes, these men charge by implication, if you please, that the chaplains, doctors, and superintendents are subsidized by the liquor interests of the country because they give expressions to their honest views upon this matter. Inspector-General Brewster says:

Evidently the suppression of the beer halls at the homes has not tended to promote sobriety, but the contrary.

Is he a subsidized agent of a brewery? Why, we have tried by legislation from time immemorial to correct weaknesses in the human family.

No reform has ever been wrought unless that reform has been backed by the moral sentiment of the community in which it was brought about, and the sentiment in these homes is unquestionably against this narrow legislation. My amendment, if it obtained, would remove the most serious temptation from the paths of men whose habits are as fixed as the habit of the gentleman from Tennessee to assail any proposition which is not essentially one to promote prohibition. I stand for temperance just as he does, but I stand for reasonable regulation, not for impractical, farcical fiasco bearing the misnomer of prohibition. I hold here in my hand a record, solemnly prepared by a man sworn to do his duty, which reports the facts. And what are the facts? That 32 per cent or more of these old men, from 70 to 75 years of age, in the night of their lives, with habits fixed—that these men do drink, and because, forsooth, I aim to lessen the temptation to these men I am charged with being an agent of some liquor interest.

Mr. SIMS. Mr. Chairman, I did not hear what the gentleman said when he began—

Mr. KELIHER. Well, I talked loud enough.

Mr. SIMS. Because I was talking to my colleague and I did not hear what the gentleman stated.

Mr. KELIHER. Mr. Chairman, I do not know that if the gentleman did hear me it would make any difference in his opinion.

Mr. SIMS. I have not made any charge that the gentleman acted as the agent for any liquor dealers; I never thought of it.

Mr. KELIHER. I had offered an amendment, and the gentleman stated it was an insidious attempt on the part of those who wanted to sell liquor to break down the existing system. How was this system organized? Is it a regularly enacted law? No; it was merely a limitation placed upon an appropriation bill, and I attempted to prove that, and because I did it I am charged by implication of being an agent of some distillery. I represent no distillery; I represent a sensible idea which, if treated upon its merits, would be adopted.

Mr. SIMS. I know, and the gentleman knows me very well—

Mr. KELIHER. I know the gentleman very well, and I know when he gets upon his feet he is indiscreet, especially when he talks upon the matter of prohibition.

Mr. SIMS. I never charged the gentleman with being an agent of anybody—

Mr. KELIHER. Now, my friend from Massachusetts [Mr. TIRRELL] says that even if there have been more arrests in the soldiers' homes, it is due to the fact that generally always after prohibition has been put into operation a larger number of arrests take place. I would remind him that this prohibition has been in operation for four years, and that in every soldiers' home, whether located in the dry territories or in the wet territories, there has been an appalling increase of drink. There has been necessarily an astounding increase in punishment of these old men for intoxication, and he can not square his argument with these official records. He tells us what happened in Massachusetts. I will tell you what happened in Massachusetts. We wrestled under a law of state-wide prohibition some years ago and increased crime and drunkenness followed and all hands, those who were conspicuous advocates of prohibition came together with those who had opposed it, and pleaded with our legislature, aye demanded, that the people be afforded an opportunity to amend our constitution, which the people did. To-day we are operating under the safest, sanest, fairest, most satisfactory law that can be operated—that of local option.

Mr. Chairman, prohibition was a flat failure in Massachusetts, because the moral force of the State was not in its favor, and prohibition in these homes is a failure, for a majority of their occupants do not subscribe to it. Mr. Chairman, these institutions were created as homes, not correctional institutions nor infirmaries, and the old soldiers who reside within them believe that they are entitled to that measure of personal liberty in these homes that every citizen enjoys within his own home. Records are more convincing than any statement or argument that can be made, and I offer the report of Maj. A. W. Brewster, acting inspector-general, on the subject of discipline, which is part of the general report made by him of his official inspection of the several branches of the National Home for Disabled Volunteer Soldiers:

Total number of arrests, 9,819; trials for drunkenness, 4,247; for absence without leave, 2,870; total number of members offending, 4,149; per cent of members offending to average number present, 21.92; last year, 23.59. This year one branch did not report the data relative to the number of members offending.

By the operation of law the beer halls at the homes were closed on March 4, 1907; consequently the fiscal year ending June 30, 1906, was the last full fiscal year in which they were in operation. A comparison of some data for that fiscal year with the fiscal year now under consideration shows some very significant facts as follows:

	Fiscal year 1906.		Fiscal year 1909.	
	Average population.	Trials for drunkenness.	Average population.	Trials for drunkenness.
Eastern.....	1,980	264	1,835	373
Central.....	4,512	590	4,078	1,006
Marion.....	1,804	424	1,631	402
Danville.....	2,369	220	2,296	480
Northwestern.....	2,053	331	1,882	394
Pacific.....	2,052	275	2,273	109
Western.....	2,708	429	2,341	351
Mountain.....	1,046	108	1,409	179
Southern.....	2,576	580	2,340	878
Battle Mountain (new).....			236	75
Total.....	21,100	3,221	20,271	4,247

* The Marion Branch had no beer hall in 1906.

This shows that with 829 less average population in 1909 than in 1906 (and a new branch established in the meantime), there were 1,026 more trials for drunkenness in 1909 than in 1906, notwithstanding the fact that the beer halls were running in 1906, while there

were no beer halls in 1909. The increase of trials for drunkenness in 1909 over 1906 was nearly 32 per cent. In 1906 one arrest for drunkenness was made for every 6.5 men; in 1909 there was one arrest for every 4.7 men. Evidently the suppression of the beer halls at the homes has not tended to promote sobriety, but the contrary. In 1906 the average attendance at religious services was 4,975, or about 23.58 per cent. In 1909 the average attendance was 3,630, or 17.97 per cent.

On the whole, the discipline is very good. There are at each branch a number of members who are habitual drunkards. For their own good, and for the welfare and comfort of the well-behaved members, I would recommend that these be segregated. This can best be done, in my opinion, by inclosing a set of barracks, leaving ample room for out-of-door exercise and recreation, and where they can be placed under restraint when necessary. The punishments are necessarily light on account of the age and other infirmities of the members.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KELIHER. Mr. Chairman, I ask unanimous consent to incorporate these records in my remarks.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SIMS. Mr. Chairman, I will say that I was sitting over where the gentleman from Massachusetts was, and I intended no reflection on him. His manner at the time did not indicate he so understood it. After he had spoken and I had spoken we sat there close together—

Mr. KELIHER. Will the gentleman kindly repeat now what he thinks he did say at that time?

Mr. SIMS. Why, yes. I do not know that I can repeat just what I said. I have not seen the stenographer's notes and do not know what they show I did say, but I did criticise the gentleman's effort to provide for the canteen in all homes situated within 5 miles of where liquor is sold and not let the same law apply to all of them. That is, if soldiers in a home ought to have this opportunity by reason of their previously established habits, who happened to be within 5 miles of where it is sold, on account of the habit already established of those who happened to be in a home 5½ or 6 miles, or any other number, they should have the same opportunity, if the intention is for the benefit of the soldier.

I do not think it is fair to say that our old soldiers, who have faced cannon, shot, and shell, can not control their habits or their temptations or their appetites, provided they are within the physical reach of the subject of temptation.

Mr. KELIHER. Again let me say to the gentleman that I do not say it; the record says it.

Mr. SIMS. And I resent or deny what the record says, because I do not believe it. Some of the best men I ever knew were veterans on both sides, men who have fought and have faced shot and shell, who are not in any soldier's home and are men of sobriety, are men who do not drink, are men who do not have to be protected by any special legislation, and I do not believe the poor unfortunate soldier—

Mr. KELIHER. You believe that sort of a man would go 5 miles, then, to get a drink if it were available?

Mr. SIMS. That sort of man?

Mr. KELIHER. Yes.

Mr. SIMS. No; I do not; and that is the reason why I do not see any good in your amendment. I said it was an insidious attempt, and I did not mean a personally insidious attempt, because the gentleman does not do things that way, but you should not commence breaking down the legislation adopted by this House in this way. What is a soldier's home?

It is a place maintained by public expenditure, by public taxation, and certainly when we make appropriations to keep up the soldiers' homes we have a right to provide what shall or shall not be sold in that home, and that does not mean necessarily prohibition.

Mr. KELIHER. And there are as many taxpayers in this country believe in local option as believe in prohibition; they should have a voice in this matter, too.

Mr. SIMS. I believe in local option just as strongly as you do. I have never favored the idea of forcing upon any State legislation without any sentiment in favor of it. When you show me the vote of the soldiers, or where they have ever asked for it, then it will be another thing. It has always been a report of some officer or some individual. Whenever the soldiers themselves present a petition for it, or vote for it, it will then be time enough to see if they should have it.

Mr. KELIHER. The best evidence that they want it is the record that they make, which shows they get it, and not always under the most favorable conditions.

Mr. SIMS. I do not want you to understand me to say that if they wanted it that I would vote for it. I would not. I will not vote to open a saloon or a semisaloon, or call it a canteen, in any institution that is kept up by the government expense. Would you put canteens in your poor asylum in your own county?

Mr. KELIHER. Does the gentleman compare a poor asylum with a soldiers' home?

Mr. SIMS. Oh, no; but there are institutions kept up by public taxation. I think the gentleman has manifested a show of temper entirely unauthorized by anything I said. If he considered it as a reflection upon him, I did not so intend it. When the gentleman reddened slightly in the face I feared he was angry. Now, if it is a good thing to have the canteen in homes, why not let all the soldiers in soldiers' homes have the benefit of them, as well as those within 5 miles of where liquor is sold?

Mr. KELIHER. Does the gentleman think if a man gets red in the face that he gets mad?

Mr. SIMS. No. The gentleman is one of the most even-tempered men I ever saw. I know that, for I have had the honor to serve on the same committee with him, and this is the only time I ever saw him manifest ill temper on the floor of this House. Therefore the gentleman must have understood that there was something personal in what I said. I assure him there was not. I do not think there is a man on the floor of this House that I have any higher regard for than him. I admire him very much. I have seen him stand up and sustain legislation based upon political policy that was against his interest in his own locality. I know the gentleman is honest in what he believes, and if it is right and proper and a good thing for the old soldier to have the canteens in the places that he proposes, then it is right to have them in all the homes. But I am not in favor of having them in any of them.

Mr. AUSTIN. Mr. Chairman, I do not want to have any controversy with the gentleman from Massachusetts; but I wish to correct an impression that he made in his speech, that since the abolition of the canteens the number of arrests, especially in national soldiers' homes in dry territory, had increased to an "alarming extent." The report from which he quotes shows that at the Mountain Branch, located at Johnson City, Tenn., there were 108 arrests in 1906; and that there were 179 arrests in 1909, after the canteen system had been abolished. The total membership at the soldiers' home in Johnson City in the latter year was 1,409, and in the former year the membership was 1,046. There has been no "alarming increase" in drunkenness at the Mountain Branch of the National Soldiers' Home since the abolition of the canteen in the home or by the prohibition legislation which affected Johnson City. Therefore I ask to make this correction, in the interest of the record and the facts. I do not believe that there is any disposition on the part of the officers of that home to have the canteen restored, or any desire on the part of the members of that home or the citizens generally at Johnson City to reopen the canteen in the soldiers' home or open saloons in Johnson City for the use of the soldiers.

Mr. KELIHER. May I ask the gentleman, Is Johnson City a temperance city?

Mr. AUSTIN. Yes, sir.

Mr. KELIHER. The gentleman will admit that in 1909, 179 members of the home, in a territory where liquor is not sold, were arrested for intoxication. Will he explain that?

Mr. AUSTIN. That is out of a total membership of 1,409.

Mr. KELIHER. Yes.

Mr. AUSTIN. And the other was 108 arrests out of a membership of 1,046.

Mr. KELIHER. But 179 old gentlemen were supplied and did get liquor for themselves in this dry town.

Mr. AUSTIN. There were 400 more members in that home when 179 arrests were made, so that after all the percentage was about the same. I wish to state to the gentleman, in addition, that the officers in Tennessee, the United States marshals, the police, the deputy sheriffs, and constables, are under a fee system, and make it a point to arrest every intoxicated man or person found upon the streets. You will find on an examination in reference to these cases that the officers have taken advantage of this, and it has resulted in a slight increase in the number of arrests.

Mr. KELIHER. Which the gentleman must admit would be less if the old soldier got drunk within the confines of the home.

Mr. AUSTIN. No; I think not. I think there is a better feeling in the homes among the officers and the members of the home from the fact that they have abolished the canteen. When men have arrived at an average of over 63 years, if inclined to drink to excess, it is about time to throw safeguards about them that will protect them from drunkenness and remove the drink evil as far as possible from them and their place of abode.

The record from which the gentleman has read shows that out of the ten national soldiers' homes the death rate at the

Johnson City Home is the lowest in the list, with one exception. No home is better managed, for it is in the hands of honest, competent, and worthy officers, and no better or braver men ever lived than the 1,409 soldiers who make up the membership of the home.

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

The amendment was considered and rejected.

The Clerk proceeded with the reading of the bill to the end of line 4, page 92.

Mr. TAWNEY. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the Chair, Mr. MANN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the sundry civil appropriation bill (H. R. 25552) and had come to no resolution thereon.

CHIPPEWA INDIANS IN THE STATE OF MICHIGAN.

Mr. MC GUIRE of Oklahoma. Mr. Speaker, I call up the bill (H. R. 16032) for the relief of the Saginaw, Swan Creek, and Black River band of Chippewa Indians, in the State of Michigan, on the House Calendar, and I ask unanimous consent that it may be considered in the House as in Committee of the Whole.

The Clerk read the bill, as follows:

Be it enacted, etc. That jurisdiction is hereby conferred upon the Court of Claims, with the right of appeal to the Supreme Court of the United States, to consider and adjudicate any claim, arising under treaty stipulations or otherwise, which the Saginaw, Swan Creek, and Black River band of Chippewa Indians have against the United States; and such suit or suits as may be instituted hereunder shall, upon notice, be advanced upon the docket of either of said courts for trial, and be determined at the earliest practicable time.

Sec. 2. That upon the final determination of such suit or suits the Court of Claims shall have jurisdiction to determine and render judgment for the fees and expenses to be allowed to the attorney or attorneys employed to bring such suit or suits, and the same shall be paid out of any sums found due the said Indians.

The following committee amendments were read:

On page 1 strike out lines 3 to 11, inclusive, and insert in place thereof the following:

"That jurisdiction is hereby conferred upon the Court of Claims, under the Bowman Act, to report the facts upon the claims of the Saginaw, Swan Creek, and Black River band of Chippewa Indians in the State of Michigan against the United States, provided such claims shall be presented within six months from the passage of this act."

In section 2, lines 7 and 8, strike out the words "suit" or "suits" and insert the word "proceedings."

In line 9, strike out the words "and render judgment for."

In line 11, strike out the words "such suits or suit," and insert the word "proceedings."

The SPEAKER. The gentleman asks unanimous consent to consider the bill in the House as in Committee of the Whole. Is there objection?

Mr. MANN. Reserving the right to object—

Mr. UNDERWOOD. Before unanimous consent is granted, I want to say that I do not think this is the time of day to take up a bill if there is any contest about it. If there is any contest about the matter, I shall object.

Mr. MANN. Mr. Speaker, I see that this is a bill to confer on the Court of Claims under the Bowman Act certain jurisdiction. I do not see any objection to it, but, as a matter of fact, the committee that reported it could have referred it without any act of Congress.

Mr. UNDERWOOD. Is there to be any contest about the matter?

Mr. DODDS. There was no opposition to it in committee; it is a unanimous report.

The committee amendments were agreed to.

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

On motion of Mr. Dodds, a motion to reconsider the vote whereby the bill was passed was laid on the table.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 4180. An act to authorize the extension and enlargement of the post-office building in the city of Lincoln, Nebr.—to the Committee on Public Buildings and Grounds.

S. 1997. An act to limit and fix the compensation of the appraiser of merchandise at the port of San Francisco—to the Committee on Ways and Means.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 19070. An act to regulate the height of buildings in the District of Columbia;

H. R. 18359. An act for the relief of Thomas Cluney;

H. R. 9304. An act granting certain lands in the Coconino National Forest, in Arizona, for observatory purposes; and

H. R. 21904. An act to authorize the survey and allotment of lands embraced within the limits of the Fort Berthold Indian Reservation, in the State of North Dakota, and the sale and disposition of a portion of the surplus lands after allotment, and making appropriation and provision to carry the same into effect.

ENROLLED BILL AND JOINT RESOLUTION SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill and joint resolution of the following titles, when the Speaker signed the same:

H. R. 11821. An act for the relief of the estate of John H. McBrayer; and

H. J. Res. 160. Joint resolution to enable the States of Missouri and Kansas to agree upon a boundary line and to determine the jurisdiction of crimes committed on the Missouri River and adjacent territory.

AMENDING SECTIONS 2325 AND 2326 OF REVISED STATUTES.

Mr. MONDELL. Mr. Speaker, I present a conference report on the bill (S. 621) to amend sections 2325 and 2326 of the Revised Statutes of the United States, for printing under the rule.

The conference report (No. 1418) and statement are as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 621) to amend sections 2325 and 2326 of the Revised Statutes of the United States, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows: That the Senate recede from its disagreement to the amendment of the House striking out all after the enacting clause and inserting the following:

"That in the district of Alaska adverse claims authorized and provided for in sections twenty-three hundred and twenty-five and twenty-three hundred and twenty-six, United States Revised Statutes, may be filed at any time during the sixty-days' period of publication or within six months thereafter, and the adverse suits authorized and provided for in section twenty-three hundred and twenty-six, United States Revised Statutes, may be instituted at any time within sixty days after the filing of said claims in the local land office."

Amend the title so as to read:

"An act extending the time in which to file adverse claims and institute adverse suits against mineral entries in the district of Alaska," and agree to the same as follows:

"That in the district of Alaska adverse claims authorized and provided for in sections twenty-three hundred and twenty-five and twenty-three hundred and twenty-six, United States Revised Statutes, may be filed at any time during the sixty-days' period of publication or within eight months thereafter, and the adverse suits authorized and provided for in section twenty-three hundred and twenty-six, United States Revised Statutes, may be instituted at any time within sixty days after the filing of said claims in the local land office."

Amend the title so as to read:

"An act extending the time in which to file adverse claims and institute adverse suits against mineral entries in the district of Alaska."

F. W. MONDELL,
A. J. VOLSTEAD,
Jos. T. ROBINSON,

Managers on the part of the House.

W. B. HEYBURN,
GEO. E. CHAMBERLAIN,
C. D. CLARK,

Managers on the part of the Senate.

STATEMENT.

"To amend sections 2325 and 2326 of the Revised Statutes of the United States."

The House amended the Senate bill by striking out all after the enacting clause and inserting a brief provision which accom-

plishes the purpose of the Senate bill, namely, extending the time in which to file adverse claims and instituting adverse suits against mineral entries in the District of Alaska.

The extension of time for the filing of adverse claims provided for in the Senate bill was, however, eight months, while the House substitute made the extension six months. By the terms of the conference agreement the Senate accepts the House provision with an amendment extending the time for the filing of adverse claims to eight months, as provided in the Senate bill.

F. W. MONDELL,
A. J. VOLSTEAD,
Jos. T. ROBINSON,
Managers on the part of the House.

LEAVE OF ABSENCE.

Mr. HENRY W. PALMER, by unanimous consent, was given leave of absence indefinitely, on account of important business.

ADJOURNMENT UNTIL 11 O'CLOCK TO-MORROW.

Mr. TAWNEY. Mr. Speaker, I move that when the House adjourns it be until 11 o'clock a. m. to-morrow.

Mr. CLARK of Missouri. Mr. Speaker, reserving the right to object, I would like to ask the gentleman why he does not have a night session?

Mr. TAWNEY. Because we have a caucus this evening.

Mr. CLARK of Missouri. But you had one last night and the night before.

The motion was agreed to.

ADJOURNMENT.

Mr. TAWNEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 9 minutes p. m.) the House adjourned until 11 o'clock a. m. to-morrow.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting an estimate of deficiency appropriation for the District of Columbia for the fiscal year ending June 30, 1910 (H. Doc. No. 934)—to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting an estimate of appropriation for the Bureau of Mines for the fiscal year ending June 30, 1911 (H. Doc. No. 935)—to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. SMITH of Michigan, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 22466) to incorporate the East Washington Suburban Railway Company, reported the same with amendment, accompanied by a report (No. 1417), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. TIRRELL, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 26233) to amend an act entitled "An act to expedite the hearing and determination of suits in equity pending or hereafter brought under the act of July 2, 1890, entitled 'An act to protect trade and commerce against unlawful restraints and monopolies,' 'An act to regulate commerce,' approved February 4, 1887, or any other acts having a like purpose that may be hereafter enacted," approved February 11, 1903, reported the same with amendment, accompanied by a report (No. 1416), which said bill and report were referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. WEEKS: A bill (H. R. 26348) to amend an act relating to rates on fourth-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. BRANTLEY: A bill (H. R. 26349) to authorize the St. Marys and Kingsland Railroad Company to construct a bridge across the St. Marys River—to the Committee on Interstate and Foreign Commerce.

By Mr. VREELAND: A bill (H. R. 26350) to regulate the importation of precious stones, and for other purposes—to the Committee on Interstate and Foreign Commerce.

By Mr. ROBINSON: Joint resolution (H. J. Res. 220) to authorize and provide for a joint assembly and meeting of the parliaments and national legislative bodies of the nations of the world in the United States, and to extend an invitation to said parliaments and legislative bodies, and for other purposes—to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ANDERSON: A bill (H. R. 26351) granting an increase of pension to Giles J. Titus—to the Committee on Invalid Pensions.

By Mr. BARNHART: A bill (H. R. 26352) granting an increase of pension to John Dunlap—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26353) to remove the charge of desertion from the military record of Joseph Shaw and to grant him an honorable discharge—to the Committee on Military Affairs.

By Mr. BRANTLEY: A bill (H. R. 26354) granting a pension to John W. Bolt—to the Committee on Pensions.

By Mr. CARLIN: A bill (H. R. 26355) for the relief of the estate of Alice J. Fletcher, deceased—to the Committee on War Claims.

By Mr. CARY: A bill (H. R. 26356) granting an increase of pension to William Smith—to the Committee on Invalid Pensions.

By Mr. CROW: A bill (H. R. 26357) granting an increase of pension to Henry McCleery—to the Committee on Invalid Pensions.

By Mr. CRUMPACKER: A bill (H. R. 26358) granting an increase of pension to Leslie Gragg—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26359) granting a pension to Robert C. McCulloch—to the Committee on Pensions.

By Mr. GORDON: A bill (H. R. 26360) to carry into effect the findings of the Court of Claims in case of North Memphis Savings Bank, administrator of estate of Mary F. Swindell, deceased—to the Committee on War Claims.

By Mr. HOWELL of Utah: A bill (H. R. 26361) granting a pension to Margaret J. Haskell—to the Committee on Pensions.

By Mr. LAFEAN: A bill (H. R. 26362) for the relief of Margaret Maloney—to the Committee on Claims.

By Mr. LATTA: A bill (H. R. 26363) granting an increase of pension to William H. Livingston—to the Committee on Invalid Pensions.

By Mr. LAW: A bill (H. R. 26364) granting an increase of pension to Fannie J. Watson—to the Committee on Invalid Pensions.

By Mr. MORGAN of Missouri: A bill (H. R. 26365) for the relief of Frederick Brown—to the Committee on Military Affairs.

By Mr. NORRIS: A bill (H. R. 26366) granting an increase of pension to Moses Livingston—to the Committee on Invalid Pensions.

By Mr. PRINCE: A bill (H. R. 26367) to pay certain employees of the Government for injuries received while in the discharge of duty—to the Committee on Claims.

By Mr. RAUCH: A bill (H. R. 26368) granting an increase of pension to George W. Gibson—to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 26369) granting an increase of pension to Henry McGann—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26370) granting an increase of pension to S. Gunnison Dudley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26371) granting an increase of pension to George W. Bell—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ANDERSON: Paper to accompany bill for relief of Wilson H. Davis—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Obediah A. Bigley—to the Committee on Invalid Pensions.

By Mr. BARCLAY: Petition of Salem Grange, No. 964, Patrons of Husbandry, for Senate bill 5842, governing traffic in oleomargarine—to the Committee on Interstate and Foreign Commerce.

in oleomargarine—to the Committee on Interstate and Foreign Commerce.

By Mr. CALDERHEAD: Petition of citizens of the Fifth Congressional District of Kansas, praying for protection of prohibition territory—to the Committee on the Judiciary.

By Mr. CANDLER: Paper to accompany bill for relief of the Presbyterian Church of Corinth, Miss.—to the Committee on War Claims.

By Mr. CARLIN: Paper to accompany bill for relief of estate of Alice J. Fletcher—to the Committee on War Claims.

By Mr. MICHAEL E. DRISCOLL: Petition of Moses Summers Post, No. 278, Department of New York, Grand Army of the Republic, of Baldwinsville, N. Y., favoring same award to both officers and men as per House bill 18899 and Senate bill 4183—to the Committee on Military Affairs.

By Mr. FOCHT: Petition of Lieutenant Arnold Lobaugh Post, No. 297, Grand Army of the Republic, of Newport, Pa., favoring House bill 18899—to the Committee on Military Affairs.

By Mr. FOELKER: Petition of Brooklyn Young Republican Club, favoring establishment of a permanent tariff commission—to the Committee on Ways and Means.

Also, petition of Alert Council, No. 1567, Royal Arcanum, for House bill 17543—to the Committee on the Post-Office and Post-Roads.

By Mr. FULLER: Petition of Al. F. Schoch, first vice-president of National City Bank, of Ottawa, Ill., favoring the selection of the city of New Orleans for holding the proposed Panama exposition—to the Committee on Industrial Arts and Expositions.

Also, petition of Miss A. Rozilla Beatson, of Rockford, Ill., against the bill to establish the proposed department of public health—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Woman's Foreign Missionary Society of Grundy County, Ill., favoring the enactment of legislation prohibiting the transmission of prize-fighting news and pictures, etc.—to the Committee on Interstate and Foreign Commerce.

Also, petition of Itasca Lodge, No. 401, Brotherhood of Locomotive Firemen and Engineers, of Two Harbors, Minn., favoring the passage of legislation to standardize engine hand holds, etc.—to the Committee on Interstate and Foreign Commerce.

By Mr. GORDON: Paper to accompany bill for relief of Mary F. Swindell—to the Committee on War Claims.

By Mr. HAMMOND: Petition of George B. Adams Post, No. 151, Department of Minnesota, Grand Army of the Republic, of Eagle Bend, Minn., against an amendment to House bill 18899—to the Committee on Military Affairs.

By Mr. HOWELL of New Jersey: Petition of the Wheatana Company, of Rahway, N. J., against House bill 23011—to the Committee on the District of Columbia.

By Mr. LINDBERGH: Petition of George B. Adams Post, No. 151, Department of Minnesota, Grand Army of the Republic, of Eagle Bend, Minn., for removal of restrictions relative to enlisted men in House bill 18899 and Senate bill 4183—to the Committee on Military Affairs.

By Mr. PAYNE: Paper to accompany bill for relief of Samuel Andrews—to the Committee on Invalid Pensions.

By Mr. SHEFFIELD: Petition of West Side Republican and Social Club, of Central Falls, R. I., in favor of House bill 2167—to the Committee on Agriculture.

By Mr. SNAPP: Petition of Musicians' Protective Union of Elgin, Ill., for repeal of the 10-cent oleomargarine law—to the Committee on Agriculture.

By Mr. SULZER: Petitions of Robert H. Ingersoll & Bro., William Meyer & Co., J. F. Ogoran, the Roessler & Haslacher Chemical Company, A. Wiltnauer, R. G. Munroe & Co., all of the city of New York, favoring the city of San Francisco as site of the Panama exposition for 1915—to the Committee on Industrial Arts and Expositions.

Also, petition of East Washington Citizens' Association, favoring House bill 26151—to the Committee on the District of Columbia.

Also, petition of Leumann, Boesch & Weingart and Loewenstein Brothers, manufacturers, of New York City, favoring San Francisco as proper site for the Panama exposition—to the Committee on Industrial Arts and Expositions.

By Mr. TAYLOR of Colorado: Petition of C. A. Black, secretary Federation of Women's Clubs of Pueblo, Colo., favoring the establishment of the proposed department of public health, etc.—to the Committee on Interstate and Foreign Commerce.

By Mr. WOOD of New Jersey: Petitions of Titusville (N. J.) Grange, No. 163, and Stanton (N. J.) Grange, No. 148, Patrons of Husbandry, for Senate bill 5842, governing traffic in oleomargarine—to the Committee on Interstate and Foreign Commerce.