for neutralization of the Panama Canal; to the Committee on Military Affairs.

By Mr. FULLER: Petition of James Ward, chairman of the executive committee on legislation of Religious Society of Friends, against the proposal to fortify the Panama Canal; to the Committee on Railways and Canals.

Also, petition of the Illinois State Federation of Labor, concerning the sale of the Walla Walla Military Reservation; to the Committee on Military Affairs.

Also, petition of Harry E. Keck, of Rockford, Ill., for the militia pay bill, H. R. 38436; to the Committee on Militia.

Also, petition of the Illinois Manufacturers' Association, for the Tou Velle bill; to the Committee on the Post Office and Post Roads.

Also, petition of the National Educational Association, favoring a children's Federal bureau; to the Committee on Expenditures in the Interior Department.

Also, petition of Menot & Bangs, of Lostant, Ill., and J. J. Winters and others, of Garfield, Ill., against parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. GARDNER of Massachusetts: Petition of Master Marine Association and Fish Producers, of Gloucester, Mass., against proposed trade agreement between United States and Canada; to the Committee on Ways and Means.

By Mr. HAMMOND: Petition of Fred W. Kruse Co. and six others, of Mankato, Minn., and August and Fred. Ebert, of Truman, Minn., against parcels-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. HANNA: Petition of citizens of North Dakota, against the establishment of a local rural parcels-post service; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of North Dakota who live on rural routes, for the Hanna bill, H. R. 26791; to the Committee on the Post Office and Post Roads.

By Mr. HOLLINGSWORTH: Petition of Five Years Meeting of the Society of Friends in America, deploring the proposal to fortify the Panama Canal and favoring its neutralization by international agreement; to the Committee on Military Affairs.

By Mr. HULL of Iowa: Petition of citizens of the seventh congressional district of Iowa, against local rural parcels-post service; to the Committee on the Post Office and Post Roads.

By Mr. JAMIESON: Petition of C. E. Morris, J. Perry Wright Post, No. 188, Grand Army of the Republic, of Coon Rapids, Iowa, favoring the Sulloway pension bill; to the Committee on Invalid Pensions.

By Mr. JOYCE: Petition of F. W. Pickup, of Zanesville, Ohio, against a parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. KENDALL: Petition of citizens of Albia, Buxton, Kinross, Barnes City, Ottumwa, and Newton, in the State of Iowa, against parcels-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. KENNEDY of Ohio: Petition of citizens of Massillon, in the eighteenth congressional district of Ohio, for enactment of the Burkett-Sims bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of the eighteenth congressional district of Ohio, against a parcels-post law; to the Committee on the Post Office and Post Roads.

Also, petition of Nathan Hale Council, Junior Order United American Mechanics, of North Lawrence, and of councils in Canton and Wellsville, in the State of Ohio, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. KEIFER: Memorial of the annual session of the State Council of Ohio of the Junior Order United American Mechanics, for more stringent laws relative to immigrants; to the Committee on Immigration and Naturalization.

By Mr. KINKAID of Nebraska: Petition of residents of North Platte, Sutherland, Mazel, Ericson, Page, Jandy, Merna, and Lomax, in the State of Nebraska, against a parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. LOUD: Petition of J. J. Irwin and 29 other residents of Petoskey, Mich., against a parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. McMORRAN: Petition of Herman Bros. & Hibbler and 13 others of North Branch, Mich., against a parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. McKINLEY of Illinois: Petition of Ministerial Association of Urbana, Ill., for the Burkett-Sims bill; to the Committee on Interstate and Foreign Commerce.

By Mr. A. MITCHELL PALMER: Petition of Central Labor Union of Easton, Pa., favoring H. R. 15413; to the Committee on Immigration and Naturalization.

By Mr. PRAY: Petition of 38 merchants and others of Havre, Toston, Nashua, Papan, and Harlowton, in the State of Montana, against parcels-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. REEDER: Petition of G. N. Van Pelt and others, against rural parcels-post service; to the Committee on the Post Office and Post Roads.

By Mr. SHEFFIELD: Paper to accompany House bill 26573, for the relief of Daniel D. Mellen (previously referred to Committee on Invalid Pensions); to the Committee on Pensions.

Also, petition of Eagle Council, No. 8, Junior Order United American Mechanics, for more stringent immigration laws; to the Committee on Immigration and Naturalization.

By Mr. SHEPPARD: Petition of citizens of the first congressional district of Texas, against a parcels-post system; to the Committee on the Post Office and Post Roads.

By Mr. SHERWOOD: Paper to accompany bill for relief of John Yates (previously referred to the Committee on Invalid Pensions); to the Committee on Pensions.

By Mr. SPARKMAN: Petition of citizens of the first congressional district of Florida, against a parcels-post system; to the Committee on the Post Office and Post Roads.

By Mr. SULZER: Petition of the Five Years Meeting of the Religious Society of Friends in America, against fortifying the Panama Canal; to the Committee on Military Affairs.

By Mr. TOWNSEND: Petition of citizens of Saline, Mich., for House bill 23641, the Miller-Curtis bill; to the Committee on the Judiciary.

HOUSE OF REPRESENTATIVES.

SATURDAY, *January 28, 1911.*

The House met at 12 o'clock m.

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

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

NAVAL APPROPRIATION BILL.

Mr. FOSS, by direction of the Committee on Naval Affairs, reported the bill (H. R. 32212) making appropriations for the naval service for the fiscal year ending June 30, 1912, and for other purposes, which, with the accompanying report (No. 2006), was ordered printed and referred to the Committee of the Whole House on the state of the Union.

Mr. PADGETT. Mr. Speaker, I desire to reserve all points of order on the bill.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. GARDNER of Michigan. 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 bill (H. R. 31856) making appropriations for the District of Columbia.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House for the further consideration of the District of Columbia appropriation bill, with Mr. TILSON in the chair.

Mr. BOWERS. Mr. Chairman, I ask unanimous consent to insert at the end of line 26, on page 38, the lines 1 to 18, inclusive, on page 39 of the bill, which were stricken out of the bill yesterday on the point of order. The matter comprehended in this request is the provision as to the salaries for the maintenance of playgrounds just as it came from the committee.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent that the paragraph at the top of page 39 of the bill, which went out on a point of order yesterday, may be reinserted in the bill. Is there objection?

Mr. MANN. It ought to be read, of course.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For salaries: Clerk, $840; supervisor, 10 months, at $150 per month; directors, assistant directors, and watchmen, to be employed not exceeding seven months, as follows: Nine directors, at $75 per month each; 2 assistant directors, at $60 per month each; 1 assistant director, at $50 per month; 1 watchman, at $25 per month. To be employed not exceeding three months, as follows: One director, at $75 per month; 6 assistant directors, at $60 per month each; 3 assistant directors, at $50 per month each; 5 assistants, at $45 per month each; 8 assistants, at $40 per month each; 2 watchmen, at $45 per month each; and 7 watchmen, at $45 per month each for 12 months; in all, $15,870, which sum shall be paid wholly out of the revenues of the District of Columbia.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. When the committee rose yesterday afternoon an amendment had been offered by the gentleman from Massachusetts [Mr. PETERS] and a point of order reserved against it by the gentleman from Texas [Mr. BURLESON]. The gentleman from Massachusetts is recognized.

Mr. PETERS. Mr. Chairman, in urging this amendment on the House, I wish to say that it is presented in order to bring the management of the schools under a more efficient and competent system. At the present time the schools are run by a board of nine members appointed by the justices of the supreme court of the District of Columbia. The Commissioners of the District are required to present the appropriations for the District, but in making those appropriations they are unable to control or to bring the schools in systematic unity with the rest of the appropriations, as they have no control over the school expenditures. The purpose of this amendment, Mr. Chairman, is to provide that there shall be a director of education, a man skilled in education, who will superintend the schools, who will have an oversight of the construction of new buildings, and who will submit his estimates and the estimates for the schools of the city directly to the District Commissioners, and for the amount and its expenditure they shall be directly responsible. Last year estimates were submitted by the school board to the commissioners. They were thought by the commissioners to be excessive. The commissioners returned such estimates and asked that they be cut down, but such cutting down was refused by the board. This year, in the submission of those estimates, the commissioners present them without having asked the board to make the reduction. They were compelled to make the reductions themselves, although they have no control over the schools and can in no way form a good and solid judgment as to what the detailed needs of the schools are in the District or as to the points where the expenses should be cut down or in what way efficiency may be better obtained.

Mr. GOULDEN. Will the gentleman from Massachusetts yield?

Mr. PETERS. With pleasure.

Mr. GOULDEN. Under your amendment, who elects this director?

Mr. PETERS. The director is appointed by the District Commissioners.

Mr. GOULDEN. If the gentleman will pardon me, some six or seven years ago we took it out of the hands of the District Commissioners, and, I think, for a very good reason at the time, and unless the commissioners have improved since then, I shall oppose this amendment on that account.

Mr. STAFFORD. Will the gentleman yield?

Mr. PETERS. Certainly.

Mr. STAFFORD. Can the gentleman inform the committee whether there is any other city where there is a method for the management of schools similar to that suggested by the gentleman's amendment?

Mr. PETERS. Well, the adoption of the amendment would carry out what is now recognized as the system under which our public schools should be run; that is, that they shall have one superintendent at the head, who shall be a man skilled in education. The purpose of this amendment is to take the management of the schools out of the unskilled handling of people who necessarily are not versed in modern methods of conducting education and can not give the time needed.

Mr. STAFFORD. I understand that the system here provides a superintendent and 10 assistant superintendents. Now, the gentleman's amendment proposes to discontinue the school board. I ask him whether there is any other city where there is no school board, but merely a director appointed by the executive head of the city, as proposed by the gentleman's amendment?

Mr. PETERS. In most cities there is a head who has the same position as the one we propose to have here, but very often——

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

Mr. STAFFORD. I ask unanimous consent that the gentleman may proceed for five minutes.

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

Mr. PETERS. It is well recognized that some change in the school management of Washington is needed. The President himself, in the message which he sent this year to Congress, calls attention to that fact. It would naturally come to our minds to ask, Why should the schools of Washington be more expensive to run than the schools of other cities of equal size? Why should it be necessary to appropriate more money here for the conduct of schools than is done in other cities of equal size, such as Pittsburg, Buffalo, Cleveland, Baltimore, St. Louis, and Milwaukee, whose schools we should suppose to need about the same amount as required here——

Mr. SLAYDEN. Are they equally good schools?

Mr. PETERS (continuing). And in which the general reputation is that the educational facilities are fully up to the standard maintained here?

This year, largely from the experience of last year, the commissioners have not made a change in the amount of expenditure called for by the committee; but this year, Mr. Chairman, taking the total number of pupils at 60,000, which is the estimate here, we find that the appropriations asked for provide a cost of over $50 per pupil in the schools of Washington, which is far in excess of that appropriated in giving similar facilities in other cities of the same size. In my home city, Boston, the number of pupils is double that of Washington, but the Boston schools are well known to be among the best in the country as regards teaching, equipment, and efficiency of management. The cost there is $36.58 per pupil per year. Politics are kept entirely out of the system.

Mr. FOSTER of Vermont. Mr. Chairman, we have another proof that marriage is not a failure. [Laughter.] The gentleman from Massachusetts recently took a step in the right direction; he married, and thereby took his first step toward qualifying himself for a discussion of the school question in the District of Columbia. [Laughter.] Now, when he has done as I have done, and for 10 years has had his children in the public schools of Washington, and in that way has familiarized himself with the inside working of our school system here, he will be still better qualified to tell this committee what ought to be done for the schools of the District of Columbia.

I fully agree with the gentleman from Massachusetts as to the importance of the subject. I have said many times in public and in private that the schools of the Capital City of the Nation should be as nearly as possible ideal; that they should furnish an object lesson for the rest of the country. I have watched the progress and development of the system here for 10 years; and I can say to the gentleman from Massachusetts and to the members of this committee that there has been real progress during that time. Ten years ago the system was under the control of the District Commissioners. The District Commissioners appointed the board of education and thereby dominated the system. Congress in its wisdom removed the control of the schools from the District Commissioners by providing for the appointment of the board of education by the judges of the supreme court of the District of Columbia. The real fault of the present system is that the school board has not sufficient authority. In practically every other city in the land the school board, no matter how its members may be selected, is given entire jurisdiction over all school matters. In the great majority of instances a lump sum is handed over to the board for the maintenance of the schools and the board is held responsible for its administration. I wish we could adopt that system here and appropriate a lump sum for the schools of the District of Columbia and hold the board responsible for its administration.

While this will probably not be done, I do insist that we should give the board more authority than it now has. The board is accused of extravagance, when in point of fact if there is any extravagance we are responsible for it, for, as everyone knows, the compensation of the teachers and the janitors and everyone connected with the schools is fixed by us. The gentleman from Massachusetts calls attention to the fact that these schools are expensive. He fails, however, to make any reference to the fact that we maintain a dual system of schools—one for white pupils and one for colored pupils. This method undoubtedly increases the expenses of the system one-third. Yet even the gentleman from Massachusetts would not suggest for a moment that this dual system should not be maintained.

Mr. GOULDEN. Will my friend from Vermont yield?

Mr. FOSTER of Vermont. If the gentleman will ask for five minutes more for me.

Mr. GOULDEN. I will, of course. I want to ask the gentleman if he was not largely instrumental seven years ago in bringing about the change from the old, obsolete, worn-out system to that of having the board of education appointed by the judges of the supreme court of the District of Columbia?

Mr. FOSTER of Vermont. Well, I was present. It was the House of Representatives that took the initiative in that movement.

Mr. GOULDEN. If the gentleman will pardon me, it was the bill of the gentleman from Vermont that brought about this correction of evils.

Mr. CLARK of Missouri. No; I will straighten that out for you.

Mr. FOSTER of Vermont. Certainly.

Mr. CLARK of Missouri. I think that part of it was forced upon the gentleman from Vermont. If somebody was responsible for it, it was the men who dressed his bill up; but he led in that revolution and ought to have the credit.

Mr. FOSTER of Vermont. The modification which the gentleman from Missouri refers to related to the appointing power. I proposed that the President should appoint the members of the board of education; in the end it was placed in the hands of the judges of the supreme court of the District of Columbia. Now, this plan has worked well. We have had steady and rapid progress in school affairs in this city during these 10 years. It may be that there is room for the practice of economy. I certainly believe that we should find it less expensive if the board had the exclusive jurisdiction over all matters connected with schools, school buildings, and school property.

Mr. PARSONS. Under that old system, who had supervision of the schools under the commissioners? Was there not one official, one expert, who was responsible?

Mr. FOSTER of Vermont. The District Commissioners appointed the board of education. That was the only difference, except that the board was not as large as it is now; but the District Commissioners appointed the school commissioners, and then the school commissioners appointed the superintendent, just as now.

Mr. PARSONS. It was simply a question of change in the appointing power.

Mr. FOSTER of Vermont. Yes.

Mr. GOULDEN. When the gentleman says "school commissioners," he means the board of education, does he not?

Mr. FOSTER of Vermont. I mean the board of education.

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

Mr. GOULDEN. I ask unanimous consent for five minutes more for the gentleman from Vermont.

There was no objection.

Mr. FOSTER of Vermont. In every city in the United States except this city you will find a board of school commissioners, or a board of education, who have in their hands practically the entire administration of the school system of the city. That is what we must have here, and it should be entirely distinct from the District Commissioners.

Mr. PARSONS. How extensive is the authority of the board of education?

Mr. FOSTER of Vermont. Well, the board appoints the teachers and the officers and employees of the schools. As I have stated, all compensations are fixed by Congress. I do not understand that the board has jurisdiction over the repair of the school buildings. They have no such authority as is given school boards in all our other cities. When the present law was enacted seven years ago many of us felt that more authority should be given to the board, but we acquiesced on the principle that half a loaf is better than no bread.

Mr. PARSONS. Will the gentleman specify just what character of authority the board of education should have?

Mr. FOSTER of Vermont. I have not formulated that. I would not undertake to say just what I would recommend. I have been watching for the opportunity to bring the matter before the District Committee of this House, because we should have some additional legislation relative to our school system here. I am very much in favor of it. We have too many school buildings, but the school board is not responsible for that. They inherited them. We have too many high schools. I think it would be better if we had but two great central high schools. We have three regular academic high schools for white pupils.

Mr. COX of Indiana. The board is responsible for recommendations for new school buildings, is it not?

Mr. FOSTER of Vermont. Yes; but the fact that they recommend new school buildings does not necessarily reflect upon them. The fact is that while we have too many of these school buildings scattered about here and there, there are portions of the city which have not sufficient school accommodations.

Mr. COX of Indiana. It stands to reason that Congress would not appropriate the money for these extra buildings if they were not recommended by the board of education.

Mr. FOSTER of Vermont. Additional buildings are necessary to-day.

Mr. COX of Indiana. I understood the gentleman to say we had too many.

Mr. FOSTER of Vermont. Too many small ones scattered about the city.

Mr. COX of Indiana. There are a great many recommended in this bill.

Mr. FOSTER of Vermont. Yes.

Mr. STAFFORD. If the gentleman will allow me, I understood him to say that the present board has authority to determine the number of school buildings.

Mr. FOSTER of Vermont. Oh, no; not at all.

Mr. STAFFORD. Who has that authority?

Mr. FOSTER of Vermont. Congress.

Mr. STAFFORD. Who makes the recommendations contained in this bill?

Mr. FOSTER of Vermont. The board.

Mr. STAFFORD. I understood the gentleman's argument was that we had too many high schools, and yet here is $250,000 appropriated for a new Central High School.

Mr. FOSTER of Vermont. The gentleman does not understand the bill. That item is for a new site for the Central High School. The present Central High School Building is antiquated and inadequate for the purpose of that splendid institution. It has at present about 1,200 pupils. Like the Eastern and the Western High Schools, it will bear comparison with the best high schools in the United States. But the old building in which it is housed is a disgrace to the Capital City of the Nation.

What I am endeavoring to enforce is this: If we could start new and redistrict the city and provide for the construction of large buildings containing 16 rooms, 20 rooms, 24 rooms, we would eliminate many of the present buildings, improve the system, and reduce the cost of maintenance. I say again, however, that the present board of education is not responsible for existing conditions.

Mr. PARSONS. Is it not a fact that they have recommended larger schools, but that Congress has appropriated under it for schools for half the size and in that way prevented the centralization?

Mr. FOSTER of Vermont. Absolutely. We shall have to adopt some heroic measures in the future. It will cost something, but we shall save money in the end by eliminating the smaller buildings scattered here and there and replacing them with larger ones.

Mr. MANN. But some of us do not believe that.

Mr. FOSTER of Vermont. Such a course would reduce the expense of maintaining our schools. On the other hand, there are a large number of schoolrooms at present occupied in the forenoon by one set of pupils with their teachers and in the afternoon by other classes with their teachers. We have 18 portable schoolhouses; we have nearly 100 schoolrooms in rented properties which, because of their insanitary condition, are unfit for school purposes. It is to correct these evils that the board of education has recommended the construction of new buildings. Now, Mr. Chairman, one word in conclusion. I hope that the gentleman from Massachusetts will be on the District Committee in the next Congress.

Mr. MANN. He can not be; he is ineligible.

Mr. FOSTER of Vermont. That is a fact. He is to be a member of the Committee on Ways and Means, and so will have his share in selecting the members of the District Committee.

Mr. MANN. He might help name the gentleman from Vermont on the committee.

Mr. FOSTER of Vermont. I hope in making up the District Committee he will see to it, among other things, that there are placed on that committee men who are interested in the educational problems of the District. I want to assure the gentleman from Massachusetts that I stand ready to cooperate with him personally, and with members of that committee to be appointed, in securing the necessary legislation for the improvement of the schools of the District of Columbia.

Mr. MANN. Mr. Chairman, I would like to inquire if the gentleman from Texas insists on his point of order. If he does not, I shall.

Mr. GARDNER of Michigan. Mr. Chairman, I move that all debate on this paragraph and amendments thereto close in 10 minutes.

Mr. CARLIN. Before that question is put, Mr. Chairman, I desire to make the same inquiry as has the gentleman from Illinois, whether the gentleman from Texas means to insist on his point of order?

The CHAIRMAN. Does the gentleman from Texas insist on his point of order?

Mr. BURLESON. Mr. Chairman, I reserved the point of order, and I would like to be heard before the debate is closed.

The CHAIRMAN. The Chair will recognize the gentleman.

Mr. CARLIN. Mr. Chairman, I make the point of order now and ask for a ruling.

The CHAIRMAN. Does the gentleman from Texas insist on his point of order?

Mr. BURLESON. I reserve the point of order.

Mr. CARLIN. And I make it, and ask for a ruling.

The CHAIRMAN. Does the gentleman from Virginia insist on his point of order?

Mr. CARLIN. Yes. I will withhold it, however, and allow the gentleman from Texas to be heard, if the Chair will recognize me later.

The CHAIRMAN. The Chair can not so dispose of the time of the House; but the Chair will recognize gentlemen in turn as best he can.

Mr. CARLIN. I will reserve the point of order and give the gentleman from Texas an opportunity to be heard, with the understanding that I shall insist on the point of order later.

Mr. BURLESON. Mr. Chairman, in view of the great importance of the pending amendment and the apparent widespread interest that is being taken in same by the committee at this time, I think the proposition offered by the gentleman from Massachusetts should be considered by the committee upon its merits. As far as I am individually concerned, I now withdraw the point of order, but I desire to be heard for a few minutes.

Mr. FOSTER of Vermont. And I want to make the point of order, if the gentleman withdraws it.

The CHAIRMAN. The point of order has been reserved by two gentlemen other than the gentleman from Texas.

Mr. BURLESON. Mr. Chairman, I now want to be heard on the merits of the proposition. The gentleman from Vermont is wholly mistaken when he states that 10 years ago the school system in this city was under the control of the District Commissioners. The fact is that, at that time, the District Commissioners, under the law as it was at that time, were authorized to appoint the members of the board of education, and the schools were under the control of such board at that time, just to the same extent that they are under the present board of education at this time. Another remarkable statement made by the distinguished gentleman from Vermont was that, since the period when the authority for the appointment of school commissioners was changed from the District Commissioners to the supreme court of the District, the schools of this city have made most satisfactory progress; in fact, if I understood him, he declares that under the direction of the present board of education the schools of this city have progressed to a remarkable degree.

Mr. Chairman, as a matter of fact—and it is well known to every person in the District of Columbia who has interested himself even to a limited degree in school matters—that the present board of education has proven a blight or a hindrance to the schools instead of aiding in their progress. Since its appointment—and the truth of this statement can not be successfully denied—it has been engaged for a major portion of the time in an unseemly wrangle with some person or other about matters connected with the schools. [Applause.] First, they were engaged in a row for weeks and weeks with the very able gentleman who was then superintendent of schools. And, Mr. Chairman, the superintendent was at that very time endeavoring to effect economies in the school system, economies which would have saved annually thousands of dollars to the Government and the District. After that the board became involved in repeated wrangles with the municipal architect, whom, they insisted, was not discharging his duties toward the public-school system in the character of school buildings being erected. They have repeatedly been involved in controversies with the District Commissioners about the school estimates and other matters, on one occasion refusing to give them any aid in the framing of the estimates for submission to Congress. And I make the assertion now that since the existence of the present board of education they have occupied at least 75 per cent of their time in wrangling or rowing with some official connected with the school or some officer of the District government, and have given only about one-fourth of their time to the details or routine of school matters.

Mr. Chairman, it is known to every Representative who has been a real factor in legislation affecting the District of Columbia, whether he is a member of the Committee of the District of Columbia or on the Committee on Appropriations, that many, many parents living within the limits of the District of Columbia who are patronizing the public schools have protested against the continuation of this present board of education, some of the most intelligent going to the extent of saying that the continuation of this board of education would ultimately bring complete demoralization to the school system of the city. So bad have conditions become that the superintendent of schools has within the last few days warned the saloons against the sale of liquors to school children. Is it the parents alone who are dissatisfied? Not at all. Only a few days ago the one great commercial organization of this city—and, by the way, the only one that is independent of the school-board influence—the Washington Board of Trade, set on foot an investigation of the city schools which disclosed facts conclusively showing that not only are these schools being extravagantly conducted but that this present board of education is wholly incompetent and inefficient. Does well-founded complaints against this board stop here? Not only are numerous parents dissatisfied, not only are civic organizations of this city dissatisfied with the conduct of school affairs by the present board of education, but the District Commissioners, who are chargeable under the law with the conduct of the affairs of this District, upon their responsibility as public officials have, through their annual report to Congress, urgently and earnestly recommended the abolition of the board of education.

And this is not all, Mr. Chairman. Not alone are parents dissatisfied, civic organizations investigating and developing damaging facts against the board, the District Commissioners urging its abolishment, but so inefficient has this board proven, so utterly demoralized have the schools in this city become under its direction and control, that existing conditions have at last been forced upon the attention of the President of the United States, and in a message to the present Congress at this session, which surely ought to appeal to the Members of the majority—those on that side of this Chamber—he earnestly recommends the abolishment of the board of education.

[The time of Mr. BURLESON having expired, by unanimous consent, on the request of Mr. Cox of Indiana, his time was extended for five minutes.]

Mr. BURLESON. Mr. Chairman, the gentleman from Vermont [Mr. FOSTER] says that the schools have made a great progress. The gentleman from Vermont seems to be thoroughly satisfied——

Mr. FOSTER of Vermont. No; not at all.

Mr. BURLESON (continuing). With the conduct of school affairs here and the progress they are making.

Mr. FOSTER of Vermont. Not at all. I said I was not satisfied. We need more progress.

Mr. BURLESON. And yet just a few days ago, on this side of the Chamber, a prominent member of the District Committee, voicing a protest against existing conditions, declared that the entire school system in the District of Columbia was not only inefficiently managed, but that same was the most extravagantly conducted in the United States—I believe he did not stop at that, but said in the world, if I am not mistaken—the most extravagantly managed schools in the world. Time and time again figures have been paraded before this House conclusively showing that cities of like size as this and similarly situated with reference to the character of its population are conducting their schools at a very much lower rate per pupil than is the District of Columbia.

Mr. PARSONS. Mr. Chairman, where does the gentleman get those figures?

Mr. BURLESON. The figures used were taken from the United States census reports.

Mr. PARSONS. But every city has a different method of appropriating and spending its money. There is no basis of comparison.

Mr. BURLESON. Well, the gentleman from New York, who may be satisfied with this hybrid board of education——

Mr. PARSONS. I am not.

Mr. BURLESON (continuing). May be unable to find any method satisfactory to him of instituting such a comparison, but statisticians, who are skilled in the science, who are accustomed to dealing with figures, gentlemen who are thoroughly qualified to deal with matters of this kind, have compiled data, instituting a comparison between the cost of the schools in the District of Columbia and the cost of the schools in Baltimore, the cost of the schools in New Orleans, and Memphis, and other cities of like size, and every time it has been conclusively shown that the schools here are most extravagantly conducted—that the schools of Washington cost a much larger sum per pupil than the schools in any other city in this or any other country. The gentleman from Vermont [Mr. FOSTER] expresses his sat-

isfaction with the progress being made and the present system, and yet I make the assertion that every advanced educator in the United States who has written on the subject has declared unequivocally that the dual system can not successfully exist in public schools; that it is thoroughly obsolete; that what is required for modern, scientific methods of school conduct is one directing head, just as the President of the United States requests in his message, for the control of the Washington schools.

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

Mr. BURLESON. Certainly.

Mr. MANN. Was the gentleman for or against the proposition a few years ago to take away the power of appointing the school board from the local heads—the board of commissioners—and give it to the judges?

Mr. BURLESON. I was in favor of taking it away from the District commissioners at that time, because the commissioners in control at that time had appointed a school board that was more inefficient, if such a thing is possible, than the present board.

Mr. MANN. The gentleman then was in favor of taking away from a central authority and decentralizing the power of appointing the school board and is now in favor of centralizing it.

Mr. BURLESON. Yes; because I thought it was the best thing to be done at that particular juncture, and I will candidly state to him that a stupendous blunder was made——

Mr. MANN. That is what I think——

Mr. BURLESON (continuing). When we granted authority to the supreme court of the District of Columbia for the appointment of the board of education; and those Members of Congress who were behind the movement, which finally forced the gentleman from Vermont to accept this proposition, believed at that time that it was the court of appeals of the District of Columbia that was to be authorized to appoint this board of education, and not the small-caliber politicians who constitute——

Mr. MANN. If they did not know the difference between that and the supreme court they needed to go to school.

Mr. BURLESON. Oh, yes; they have now discovered the mistake. They then knew the difference between the two courts, but it just happened, as it frequently happens in this body, in the preparation of the amendment the words "supreme court" were placed in the amendment and the term for the time being misled us, notwithstanding they were thoroughly advised with regard to the facts about the courts. This proposition should be considered upon its merits and should not go down on a point of order.

The CHAIRMAN. The additional time of the gentleman from Texas has expired.

Mr. CARLIN. Mr. Chairman, I make the point of order and ask for a ruling.

The CHAIRMAN. The gentleman from Virginia insists upon regular order. Does the gentleman from Massachusetts wish to be heard on the point of order?

Mr. PETERS. I do not care to be heard, Mr. Chairman.

Mr. PEARRE. Mr. Chairman, I would like to ask the gentleman from Virginia to withhold his point of order, to reserve it, as I would like to be heard for five minutes on this proposition.

Mr. CARLIN. I have every desire in the world to be courteous to my friend from Maryland and will cheerfully permit unanimous consent to extend his remarks in the RECORD, but this proposition is so plain and simple it does not permit discussion, and a ruling upon it will save the time of the House.

Mr. MANN. Would that end the discussion if the gentleman had five minutes?

Mr. CARLIN. If it would end the discussion and similar requests would not be made I would withhold it.

The CHAIRMAN. Does the gentleman from Maryland accept the time upon the conditions offered?

Mr. PEARRE. Yes.

The CHAIRMAN. Without objection, the gentleman from Maryland will be recognized for five minutes.

There was no objection.

Mr. PEARRE. Mr. Chairman, I thank the gentleman from Virginia, the gentleman from Illinois, and the committee. Mr. Chairman, I am impelled to detain the committee at this time by a few remarks upon this question on account of the great importance which it possesses to the citizens of the District of Columbia, and being a member of the Committee on the District of Columbia, although not a member of the subcommittee on appropriations of the District of Columbia, I entertain some very definite views upon this subject—I believe have secured some information thereon—and therefore I desire to express those views to the committee as well as I may in the very brief time allowed me. Mr. Chairman, the great mistake, the great blunder, that has been made with regard to the educational system in the District is the same that exists in confining the jurisdiction of the Committee on the District of Columbia to legislation. That committee has jurisdiction only over legislation for the District of Columbia, whereas the appropriations to carry out that legislation come from the subcommittee of the Committee on Appropriations. That committee can only legislate for the District of Columbia, whereas all the appropriations to carry out that legislation must come from the subcommittee of the Committee on Appropriations. There is, therefore, a great incongruity and lack of correlation between the legislation and the necessary appropriation bills to make it effective. Now, Mr. Chairman, so it is with regard to the school system in the District. We have here a system in which the board of education is appointed by the judges.

Mr. Chairman, many very eminent judges have questioned the constitutional power of a judge to exercise any such function. I remember very distinctly that question was raised by so distinguished a judge as the Hon. Richard H. Alvey, who presided over the court of appeals for the District of Columbia as its first chief justice. In Maryland, when an effort was made to compel him, as a member of a circuit court, to appoint school commissioners, he took the position—and maintained it until the legislature repealed the law—that the judiciary had no power and no right under the constitution of Maryland to exercise any such function, because the endowment of the judiciary with such a power was subversive of the cardinal principle of our Government separating the judiciary from the legislative and executive branches of government. Not only, therefore, is it unlawful, Mr. Chairman, in the minds of many good lawyers to clothe the judiciary with such a power as this, but it is the worst kind of policy. What peculiar capacity have judges—men trained in the law—whose duties separate them more or less from their fellow citizens and limit their acquaintance with them, to select or appoint men who shall constitute a board of education? They are not fitted for such work and should be relieved of a duty which may conflict with the proper performance of the judicial duties. The men to select the governing board of education in this District are the District Commissioners, and the power to appoint the board should be reposed in the same authority, which must account for the expenditure of the money to maintain the public-school system.

Mr. Chairman, I am in favor of this amendment for the purpose of changing the school system in the District of Columbia, which, as the distinguished gentleman from Texas [Mr. BURLESON] has so well said, has proven to be an absolute and farcical failure; a failure, Mr. Chairman, because the board of education, appointed and constituted as it is under the present system, has shown itself beyond all peradventure of doubt in the minds of fair-minded and reasonable men to be inefficient and incompetent in the discharge of its difficult and important duties.

Now, Mr. Chairman, there are many things I might say to sustain this view if I had the opportunity and the time, but I want to call attention to one or two facts which may find a lodgment in the minds of the members of the committee while they are considering this important subject, because upon the education of the masses of the people depends the perpetuity of popular institutions. In a popular government, where the governing power is popular sovereignty, the perpetuity of institutions and the permanency of the government depend upon the average intelligence and integrity of the average citizen of the country. Therefore the importance of this subject.

Mr. Chairman, as the Members of this House know, under the administration of this board there are 1,240 schoolrooms in the District and 1,734 school-teachers—more school-teachers than there are schoolrooms. Now, why should that be so? Is not that of itself an evidence of poor administration?

Mr. FOSTER of Vermont. Will the gentleman yield?

Mr. PEARRE. Mr. Chairman, I decline to yield to the gentleman from Vermont, because my time is very limited, and while I do not desire to be discourteous to the gentleman, I can not yield.

Mr. Chairman, the inefficiency of the present school board under the present system has been demonstrated in many ways, the recital of which would take more time than I have at my disposal and involve more discussion and controversy than the House would have the patience to hear.

Our distinguished President must have been satisfied of it or he would not have spoken as he did in his annual message to this session of Congress. On page 73 of his message he said:

I do not think the present control of the school system of Washington commends itself as the most efficient, economical, and thorough system for the carrying on of public instruction. The expenses of the schools of Washington as compared with those of other cities similarly situated are shown by the following table.

The President then prints in his message the following table, which I desire to incorporate with my remarks upon this subject:

Comparative cost of public schools in Washington and elsewhere.

[Prepared by W. V. Judson, engineer.]

A. Cities.	B. Population, estimate of Census Bureau as of June 1, 1908.[1]	C. Total cost of schools. Year ending [1]—	Amount.[1]	D. Number of days schools actually in session.[2]	E. Aggregate number of days' attendance of all pupils in two public day schools.	F. Number of teachers and supervising officers.	G. Number of pupils instructed one day per teacher.	H. Cost for salaries—officers and teachers.	I. Cost per capita per annum.	J. Total cost per pupil per day of instruction.	K. Number of pupils instructed one day for each $1 spent in salaries for officers and teachers.	L. Average annual salary—officers, teachers, etc. (including clerks and librarians).
Washington	[3] 325,000	Senate appropriation bill in conference.[4]	[4] $2,998,960	176½	[5] 7,850,746	[6] 1,775	4,423.0	$1,786,150	$9.2270	$0.382	4.395	$1,006.28
Baltimore	568,571	Dec. 31, 1908	1,968,894	196	10,878,196	1,788	6,084.0	1,321,033	3.4940	.1810	8.234	738.83
Pittsburg	547,523	Jan. 31, 1909; June 1, 1909	3,339,079	200	11,822,400	1,821	6,492.0	1,663,934	6.6980	.282	7.105	913.74
Cleveland	491,401	Aug. 31, 1908	2,935,760	184	10,366,204	[6] 2,091	4,957.0	1,713,191	5.9740	.283	6.051	819.66
Buffalo	391,629	June 30, 1909	1,869,348	192	9,072,000	1,478	6,138.0	1,147,356	4.7730	.206	7.906	776.28
San Francisco	[7] 360,290	do	[8] 2,710,025	199	6,618,654	1,070	6,185.0	1,342,596	[8] 7.5220	[8] .4090	4.929	1,254.76
Detroit	376,174	do	2,370,671	194	8,320,050	1,439	5,781.0	1,308,050	6.3020	.2850	6.356	909.00
Cincinnati	[7] 345,230	Aug. 31, 1908	2,272,705	200	7,138,400	1,116	6,396.0	1,039,280	6.5830	.3180	6.860	931.25
Milwaukee	327,873	Dec. 31, 1908	1,631,007	197	7,359,736	1,069	6,884.0	1,008,245	4.9740	.2210	7.300	943.16
New Orleans	323,157	do	1,232,632	172	4,643,312	1,023	4,539.0	662,797	3.8140	.2650	7.050	647.00
Newark	302,324	June 30, 1909	2,561,415	192	8,188,160	1,279	6,402.0	1,460,516	8.4720	.3130	5.606	1,141.00
Minneapolis	297,527	Dec. 31, 1908	1,930,505	183	6,999,319	1,150	6,086.0	1,052,073	6.4890	.2760	6.652	914.84
Jersey City	248,458	Nov. 30, 1908	1,245,094	188	5,502,410	777	7,081.0	745,975	5.0110	.2260	7.376	960.00
Louisville	233,069	June 30, 1909	844,012	192	4,416,384	726	6,083.0	581,619	3.6210	.1910	7.593	801.12

[1] Information furnished by Bureau of Census Apr. 29, 1910.
[2] Annual Report Commissioner of Education for fiscal year 1909, vol. 2, pp. 647-667.
[3] Unofficial estimate for June 1, 1910.
[4] At date of compilation of this table, May 5, 1910, Senate appropriation bill in conference.
[5] Annual Report Commissioner of Education for fiscal year 1909, p. 648, gives this for 1907-8 as 7,606,575. This figure has been increased by 3.21 per cent to correspond with year 1910-11. Annual Report Board of Education, District of Columbia, for 1909, p. 21, gives 1.07 per cent as increase of average enrollment for one year.
[6] From the number of teachers, 2,209, stated by Commissioner of Education, 106 night-school teachers and 11 teachers of the deaf have been deducted. (Annual Report Cleveland Board of Education, Aug. 31, 1908.)
[7] Census Bureau, 1907.
[8] As result of San Francisco earthquake over $1,000,000 spent in new construction and included in total cost for year, making it unduly large.

From this table and these facts it will be observed that among 14 cities, including Washington City or the District of Columbia, all approximately of the same population, the cost of education per capita per annum in Washington City is higher than in any of these 14 cities, while the number of pupils instructed one day for each dollar expended in salaries for officers and teachers is smaller than in any of the cities named. Both these significant facts are evidence of bad administration of school affairs, and this charge is sustained by the further facts that while there are now in the District of Columbia 150 school buildings, containing 1,240 schoolrooms with seating capacity for 45,000 pupils, there are in daily attendance an average of not over 35,000, and consequently there are over 10,000 vacant seats in the public schools, while there are 1,734 school-teachers, 500 more teachers than there are schoolrooms. This extravagance in the conduct of the public schools was recently used in the debate on the teachers' retirement bill as an argument against that bill, as I think unfairly, because the fault lay not with the teachers that the small number of pupils taught by each teacher increased the cost per capita of educating the pupils, but with the management of school affairs in the District by the board of education.

The board of education will doubtless attempt to excuse this glaring evidence of poor administration which would provide 500 too few schoolrooms for the teachers employed by complaining that the appropriations for schoolhouses have not been sufficient. This excuse, however, is disposed of by reference to page 37 of the Report of the Commission for the Consolidation of Public Schools in the District of Columbia, in Senate Document No. 338, Sixty-first Congress, first session, February 25, 1908, in which the commission submits the following rough estimate of the cost of instruction recommended in its report, as follows:

The commission submits the following rough estimate of the cost of constructions recommended in its report:

Comparison of estimates made in 1908 for the ensuing five years, with work accomplished hitherto.

60-room high school	$525,000
New Eastern High School	320,000
Addition to Western High School	150,000
White normal school	250,000
Colored normal school	240,000
New school buildings	800,000
12 manual-training centers	525,000
Addition to Business High School	80,000
Additional sites, at rate of $200,000 per year, three years	600,000
Addition to McKinley Manual Training School	100,000
36 portable buildings	65,000
Total	3,635,000

It is not contemplated that all of this work should be done at once, but, as stated previously, it should all be done within not more than five years.

The only items in the commission's estimate not fulfilled are the 60-room high school, new Central, at $525,000, and the new Eastern High School, at $320,000. These buildings, however, will be provided for within the five-year limit. In the new school buildings provided for about 250 classrooms are included, affording accommodations for 12,000 additional pupils. At the time of the publication of the commission's report, 1908, there was claimed by the board of education a shortage of accommodation of about 5,000. New buildings provided would, therefore, take care of that shortage and provide for an annual increase in attendance of 1,000 for each of the ensuing years, with 3,000 over. I desire also, Mr. Chairman, to call attention to what has been accomplished in pursuance of the recommendation of the report of the commission on consolidation of the public schools in the District of Columbia since the publication of the report, to which I have referred, in the year 1908:

Addition to Western High School	$110,200
White normal school	[1] 257,400
Colored normal school	[2] 200,000
27 new school buildings	[3] 1,490,087
2 manual-training schools and addition to Armstrong Manual Training School	147,000
Addition to Business High School	69,300
Additional sites	995,576
3 additions to McKinley Manual Training School	316,840
18 portables (all that have been asked for in estimates of the board of education, and equal to one-half of the number estimated, at less than half the cost)	30,000
Total	3,616,403

It will be observed that while the commission's estimate was for the five years following the publication, Congress has in four years appropriated more money than the commission recommended, with the exception of 10 of the manual-training centers, which have never been included in the estimates of the board of education.

It will thus be seen that after a very careful and thorough investigation by a commission appointed by the Senate, not only of the needs of the District for the five years succeeding 1908, but by a thorough investigation of school systems throughout the United States for the purposes of comparison, the commis-

[1] Appropriation for 1911 and estimates for 1912.
[2] Estimated for in 1912 estimates.
[3] Two of these buildings in 1912 estimates.

sion recommends an appropriation of $3,635,000 to be applied to the various items indicated in the report to which I have referred and which I will have printed with my remarks.

In pursuance of this recommendation it will be observed from the same report that the Congress has appropriated $3,616,403. The only items, therefore, of the estimate of the commission not provided for by Federal appropriations are the 60-room high school (new Central), at $525,000, and the new Eastern High School, at $320,000, which buildings will be provided for within the five-year limit. And this appropriation of over three and a half millions of dollars has been made in the last four years, while the commission's estimate was for the five years following its publication.

It can not, therefore, be successfully denied that Congress has not made the most ample provision by appropriations not only to properly maintain an adequate public-school system in the city of Washington, if the same had been properly administered, but has been providing generously for the increased demand for educational facilities arising from the increase of population in the District. The board of education, therefore, Mr. Chairman, can not hide its own shortcomings behind the alleged shortcomings or parsimony of the Congress. But the failure to provide a sufficient number of schoolrooms for the teachers employed and the consequent extravagance of the administration of the school system arising therefrom is not the only charge of extravagance and maladministration that may be fairly brought against the board of education. Reference to Document No. 1346 of the second session of the Sixtieth Congress, which contains the report of a committee designated on October 20, 1908, by the then engineer commissioner, Jay J. Morrow, to examine public schoolhouse conditions in the District of Columbia, a great deal of interesting and valuable information may be obtained reflecting upon the question at issue by those who are interested in the same. That committee consisted of Mr. James L. Parsons, Mr. Samuel J. Prescott, Mr. Leon S. Dessez, Mr. Paul J. Pelz, and Mr. Appleton P. Clark, jr. Mr. Clark was the chairman and Mr. Prescott the secretary.

On the 14th day of December, 1908, this committee, made up of unprejudiced and impartial citizens of the District, and after a thorough examination, made its report to the engineer commissioner, Maj. Jay J. Morrow. Stating what it found, among other things, the committee says in its report:

> We found the janitor acting, as he claimed, under instructions, breaking up and burning in a boiler desks that, in his (the janitor's) judgment, were not fit for further use.

These conditions were found at Nos. 624 and 626 O Street NW., where furniture had been stored in two-story brick buildings not owned, but rented, to the District. In speaking of the High Street School, also used as a storage place and no longer for school purposes, this committee says in its report:

> The basement of some of the first-floor rooms was filled in a disorderly, tangled mass, with good and slightly used school furniture, such as desks, chairs, stepladders, and general school equipment. The windows on the east side and on the north side were open, so that anyone wishing could enter, and your committee did go into the basement and make a thorough inspection. It then visited the nearest police station and requested them to protect this property.

Reporting the result of their visit to the Soldiers' Home School, abandoned and no longer used for school purposes, the committee state:

> Here your committee found large piles of cast-iron desks and chair legs, and a large number strewn over the yard. This building was entered through an open window on the north side. Here was found stacked, in a fair, orderly manner, good furniture, some of it so new that it required a close inspection to show it had been used. Generally that stored in the schoolrooms was in a good, fair condition, but unprotected from theft or destruction by malicious persons.

This report makes it clear, Mr. Chairman, that with regard to the furniture in the public schools the board of education did not exercise that care which business men would have for their own property, but even went to the extent of having some of this property in the shape of desks broken up and burned in the furnaces.

I know, Mr. Chairman, that the board of education will claim that they had permission from the former commissioners to break up and burn about 3,000 pieces of school furniture. Indeed, such an evasive reply has already been made to this charge by the superintendent of public schools before the school committee of the board of trade. I am informed, however, Mr. Chairman, that the facts are that on May 2, 1908, the Commissioners of the District called the attention of the board of education to the law relating to the disposal of unserviceable or "useless" property, and on June 11, 1908, at its request, gave the board of education permission "to destroy such of the material as was without value."

The report of the committee to which I have previously referred, which is contained in House Document No. 1346, second session of the Sixtieth Congress, called the attention of the commissioners to the fact that janitors of the schools were destroying and burning such furniture as in the janitors' opinion were unserviceable. This, Mr. Chairman, so impressed the Commissioners of the District that on December 9, 1908, they revoked the permission granted the board of education to destroy the furniture and again called attention to the law relating to the disposal of Government property. Since then, Mr. Chairman, my inquiry into this subject leads me to believe that over 5,000 new desks have been bought for use in the public schools.

Mr. Chairman, the gentleman from Texas [Mr. BURLESON] has well said that the Board of Education of the District seems in the last few years to have spent the greater part of its time in the various controversies which he enumerated, instead of looking after the interests of the public in the public schools. There seems to be an incessant squabble over questions of authority, while the public interest is neglected. Investigations have been made—and, I believe, are now pending—by special committees of the Chamber of Commerce and the Board of Trade of the city of Washington, which have also taken some action upon the amendment offered by the gentleman from Massachusetts [Mr. PETERS] providing for a change in the school system in the District of Columbia.

It may be well, Mr. Chairman, without animadverting upon any individual, to recall the fact in this connection and in view of the recent action of the committees of these two bodies, that the president of the board of education is the president of the chamber of commerce and a member of the executive committee of the board of trade. The president of the board of trade appoints the committees of the board of trade, including its committee on education and its chairman. The president of the board of trade is also the president of the board of education. The chairman of the subcommittee on education in turn selects his committee or subcommittee on education, as to the personnel of which serious rumor has it that the chairman and at least one of its members have a sort of an amphibious residence—in the District of Columbia for some purposes, among others as members of the board of trade, and in the State of Maryland for other purposes.

It may be that citizens of Maryland are best qualified to pass upon the wisdom of a system of education for the District of Columbia, but ordinary men would incline to the opinion that those matters would be safest in the hands of those who did not, like Desdemona, find a divided duty between the District of Columbia and the State of Maryland. Further comment on this line seems to me, Mr. Chairman, to be unnecessary.

Without going more fully or more into detail into the many evidences of inefficiency on the part of the board of education as at present constituted, the message of the President to Congress is sufficient for me. Had he not considered this matter very grave and of more than passing importance he would not have embodied it in his message. That message, while showing such a broad, comprehensive, and statesmanlike grasp of the great interests of American citizenship, both domestic and foreign, yet gives proof in its recommendation as to the system of education in the District, and in many other respects, of that patient and accurate attention to and capacity for detail which is one of the true marks of greatness. President Taft would not lightly have made recommendations in his message which sustained the oft-repeated charges of inefficiency of the school board, which recommendation is sustained by the recommendation of the Commissioners of the District and by almost innumerable evidences. We can easily, therefore, reach the conclusion without prejudice to anyone that a system of education which places the administration of school affairs in the hands of a body other than that which has to account for expenditures for school purposes is an unscientific and incorrect system, which will bear neither the scrutiny of the analytic mind nor the test of experience, and that the welfare of the citizens of this great and growing city, which should be the example in all matters of this sort to all the other cities of the Nation, requires some such change in the system of education as is embodied in the amendment offered by the gentleman from Massachusetts [Mr. PETERS].

Mr. CARLIN. Mr. Chairman, I call for the regular order.

The CHAIRMAN. The gentleman from Massachusetts submitted an amendment changing substantially the school system of the District. To this the gentleman from Virginia [Mr. CARLIN] makes the point of order that it is new legislation. It is apparent upon the face of the amendment that its sole purpose is to change the existing law, and it is, therefore, out of order on an appropriation bill. The Chair sustains the point of order.

The Clerk will read.

The Clerk read as follows:

Attendance officers: Two attendance officers, at $600 each; attendance officer, $900; in all, $2,100.

Mr. FOSTER of Illinois. Mr. Chairman, I move to strike out the paragraph. There is a provision here to appropriate for three attendance officers, and I observe that under the provisions of the school law they have attendance officers and truant officers who are appointed by the school board. Now, with 60,000 children, it seems to me that number is not sufficient for that purpose. I make this motion for the purpose of asking the committee if the school board, with this appropriation, is enabled to enforce the act.

Mr. TAYLOR of Ohio. The school board has made no recommendation for an increase of these officers, and seemed to be entirely satisfied with the practice.

Mr. FOSTER of Illinois. I would like to know if the gentleman can answer this question: Whether or not the school board is enforcing the truancy act in reference to the attendance in public schools of the city?

Mr. TAYLOR of Ohio. It is.

Mr. FOSTER of Illinois. It seems to me, if that is true, Mr. Chairman, that this is a remarkable city, when, with 60,000 school children, five officers are enabled to enforce that kind of an act and make it satisfactory, and that these 60,000 children are all in school and none of them upon the streets as truants. Now, whether this is one of the infractions of the school law that is being permitted by this board of education, I am unable to say.

Mr. JOHNSON of Kentucky. Will the gentleman permit me to ask him a question?

Mr. TAYLOR of Ohio. I will state to the gentleman that in my city, which has nearly 200,000 inhabitants, we enforce the truant law very rigidly, and do it with a less number of men. They are high-class men, and they watch the thing closely, and the children are punished if they are truant.

Mr. JOHNSON of Kentucky. Will the gentleman allow me to ask him a question?

Mr. FOSTER of Illinois. Yes, sir.

Mr. JOHNSON of Kentucky. I would like to know whether or not the gentleman's attention has been called to the fact, as reported by the board of education, that a large number of these children are as old as 66 years of age, and in that way this large number of school children is made up. I would like to know whether this truant officer can go after and compel these pupils to come in who range between 25 and 66 years of age.

Mr. COX of Indiana. Does the gentleman mean to say that people as old as 66 years are being educated here at public expense?

Mr. JOHNSON of Kentucky. Persons as old as 66 years attend these schools.

Mr. COX of Indiana. I suppose they are night schools they are attending.

Mr. GARDNER of Michigan. Mr. Chairman, it is well known that we have a system of night schools here that does not limit the age. The gentleman from Kentucky does not present the matter to the House and the country as it should be. In the day schools they have truant officers, and so far as the committee is advised they are doing the work well. I hope the gentleman's amendment will not prevail.

Mr. FOSTER of Illinois. It has occurred to me this is a very small appropriation for this purpose; but if the committee can give no further information that it is necessary to have any more, and it is all that is needed for the purpose, all right; I withdraw the amendment.

The CHAIRMAN. The gentleman withdraws the amendment.

The Clerk read as follows:

Directors of music, drawing, physical culture, domestic science, domestic art, and kindergartens, six in all, at a minimum salary of $1,500 each.

Mr. HAMMOND. Mr. Chairman, I move to strike out the last word. I would like to ask the gentleman in charge of this bill if there is a necessity for having a director of primary instruction, directors of music, drawing, physical culture, domestic science, domestic art, and kindergarten, and assistant directors also, as well as an assistant superintendent and 13 supervising principals.

Mr. GARDNER of Michigan. I would say to the gentleman that the committee has simply followed the law which the House put upon the statute books. The law provides for all of these, and the Appropriations Committee merely supplement the law by making the necessary appropriation of funds.

Mr. HAMMOND. Well, has the committee any information that would lead it to think that it is necessary to have 13 supervising principals, besides superintendent and two assistant superintendents, and then this large corps of directors besides?

Mr. GARDNER of Michigan. The gentleman asks the judgment of the committee on a matter that has been pretty well aired in the House. The committee is not perhaps a unit on this subject, but I think I violate no confidence when I say that the committee does not feel that under the present organization the method of conducting the schools is not giving the best results for the money expended, but it is out of our province to change the law. We must meet the law until that law is changed, and we make the appropriations accordingly.

Mr. HAMMOND. I would like to make one further inquiry, if it is proper. Does not the committee feel that the system is altogether too top-heavy, and that there is too large a provision of these classes of superintendents?

Mr. GARDNER of Michigan. Mr. Chairman, I do not feel authorized to state what the feeling of the committee is. We have not taken action as a committee upon that subject, nor have we any power to take action.

Mr. HAMMOND. Have you not power to withhold a recommendation of appropriation; can not you leave the appropriation out of the bill?

Mr. GARDNER of Michigan. Not if the law demands it shall be made.

Mr. HAMMOND. The law does not demand that it be made.

Mr. GARDNER of Michigan. The law is upon the statute book specifically putting these teachers in the various departments. It is not for the committee to ask the reason why, but to obey the law. We will have a case right in point later in the bill, where the committee declined to make the appropriation, but on further ascertainment we found that the sums named are fixed in the law, and we are compelled to furnish the amount and will offer an amendment accordingly.

Mr. HAMMOND. I do not feel myself thoroughly certain of the position that I am inclined to take. I do not want to do any injury to the public schools; but it strikes me very forcibly that right upon the face of things we have altogether too much supervision. As one of my colleagues remarks, we have too many generals and too few privates. I believe that we could well run the schools of the city of Washington with a superintendent and two assistant superintendents, and do away entirely with these so-called supervisors.

Mr. GARDNER of Michigan. I do not care to debate the merits of the school system at this time. I am glad to hear the opinion of the gentleman, however.

The CHAIRMAN. Does the gentleman withdraw his amendment?

Mr. HAMMOND. Yes.

The CHAIRMAN. Without objection, the pro forma amendment will be considered as withdrawn. The Clerk will read.

The Clerk read as follows:

Longevity pay: Longevity pay for director of intermediate instruction, supervising principals, supervisor of manual training, principals of the normal, high, and manual training schools, heads of departments, director and assistant director of primary instruction, directors and assistant directors of drawing, physical culture, music, domestic science, domestic art, and kindergartens, teachers, clerks, librarians and clerks, and librarians to be paid in strict conformity with the provisions of the act entitled "An act to fix and regulate the salaries of teachers, school officers, and other employees of the board of education of the District of Columbia," approved June 20, 1906, $355,000.

Mr. MANN. I move to strike out the last word. There is pending before the House a bill for the retirement of teachers in the District of Columbia, upon which I made some observations the other day. One of the methods of raising the money is by converting to this use the unexpended balance of the annual appropriation for the pay of teachers, and I stated the other day that the methods provided for raising the money were not sufficient to make the retirement bill a workable proposition unless it were intended either as a confidence game upon the teachers or upon the Government. I asked at the time how much this unexpended balance was. No one on behalf of the committee furnished the information. I do not know whether it was because they did not have the information, or because they did not care to disclose it, although I assume it was because they did not have the information. The statement was made on the floor at that time, I think, that the total expense for the first year would not exceed $20,000 or $30,000 or $40,000. This item of longevity pay, which carries an appropriation of $355,000, is an item which is very difficult to compute, but for the fiscal year ending June 30, 1910, the unexpended balance of the appropriation for the pay of teachers was $48,619. For the fiscal year ending June 30, 1909, the unexpended balance was $32,316. What the unexpended balance will be this year of course is not computable, but one can very readily see that the teachers' retirement bill does not need to be made workable on its apparent features if there is an unrevealed fund sufficient

to pay all the expense, and this unexpended-balance item is the unrevealed fund, a proposition to convert for the last fiscal year $48,000 out of the Treasury in addition to the 1½ per cent provided by the bill for the payment of teachers' pensions. It can be padded ad libitum. Probably no one here is able to compute what longevity pay is coming to the teachers.

Apparently no one connected with the school board has been able to compute it. At least that is my information, that this unexpended balance arises out of the estimate for longevity pay. I simply call it to the attention of the House, because, while knowing nothing about this particular item, it can very easily be seen why the unexpended balance of teachers' appropriations is desired to be converted to the payment of a teachers' pension fund.

The CHAIRMAN. If there be no objection, the pro forma amendment will be considered as withdrawn.

There was no objection.

The Clerk read as follows:

For contingent and other necessary expenses of night schools, including equipment and the purchase of all necessary articles and supplies for classes in industrial, commercial, and trade instruction, $2,500.

Mr. FOSTER of Illinois. Mr. Chairman, I move to strike out the last word. I should like to ask the committee if they know whether the commercial training of these night schools is given to people of all ages, and if the District furnishes all the necessary supplies for the conducting of these schools.

Mr. JOHNSON of Kentucky. They pay these teachers salaries for teaching in the daytime, and pay them $1 an hour additional for the time they teach in the night schools.

Mr. GARDNER of Michigan. In reply to the gentleman from Illinois [Mr. FOSTER] I will say that the supplies for the night schools are provided precisely the same as for the day schools.

Mr. FOSTER of Illinois. So that a boy can get a commercial education at night without any expense to himself.

Mr. GARDNER of Michigan. That is the principle upon which the schools are conducted.

Mr. MICHAEL E. DRISCOLL. Can the gentleman from Michigan tell us about how many students there are all told in these night schools?

Mr. GARDNER of Michigan. I have no information as to the number, but I have an impression that they are largely patronized.

Mr. MICHAEL E. DRISCOLL. Have you any idea how many pupils there are?

Mr. GARDNER of Michigan. I can not give you any figures.

Mr. MICHAEL E. DRISCOLL. Are they attended by both white and colored pupils?

Mr. GARDNER of Michigan. Both; and largely attended by colored people.

Mr. MICHAEL E. DRISCOLL. Are they intended for people who work in the daytime?

Mr. GARDNER of Michigan. Yes.

Mr. MICHAEL E. DRISCOLL. Are they intended for pupils who are older than the general average of day-school children?

Mr. GARDNER of Michigan. Yes; for young men and older men, and they are particularly patronized by many colored men.

Mr. MICHAEL E. DRISCOLL. Has the gentleman any idea as to the average age of the pupils who attend the night schools?

Mr. GARDNER of Michigan. No; I can not give the gentleman that.

Mr. MICHAEL E. DRISCOLL. I used to teach a night school myself, and I am a good deal interested in the class of people that go to the night schools.

Mr. GARDNER of Michigan. From the information that the committee obtained we thought they ought to be supported, and we have increased the appropriation.

Mr. MICHAEL E. DRISCOLL. Are these people who attend the night schools men, women, and children who work during the day?

Mr. GARDNER of Michigan. Yes; we have boys going to the night school and endeavoring to support their parents.

Mr. MICHAEL E. DRISCOLL. Does the truancy law apply to these schools?

Mr. GARDNER of Michigan. So far as the children are of school age. These children must go to school, but they may have a permit to stay out during the day with the condition that they go to the night schools.

Mr. MICHAEL E. DRISCOLL. It seems to me that the night schools ought not to be provided except for those who actually want them, and that there should be no truancy law applied to them.

Mr. GARDNER of Michigan. The children get permits through the proper channels to be absent during the day on the condition that they will go to the school at night.

The Clerk read as follows:

Kindergarten supplies: For kindergarten supplies, $2,800.

Mr. JOHNSON of Kentucky. Mr. Chairman, I move to strike out the last word. I want to offer an amendment after the word "dollars;" instead of a period put in a comma, and then add the words "to be used for indigent children only."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 49, line 14, after the word "dollars," insert a comma and the words "to be used for indigent children only."

Mr. MANN. I make a point of order on the amendment.

The CHAIRMAN. The Chair will hear the gentleman on the point of order.

Mr. MANN. As I understand, the law authorizes the purchase of kindergarten supplies by the school board and the furnishing of kindergarten supplies. This makes an appropriation and undertakes to change the meaning of that law.

Mr. JOHNSON of Kentucky. Mr. Chairman, I have never been able to find such a law, and I should like the gentleman from Illinois to cite me to it.

Mr. MANN. I am not able to cite the law to the gentleman.

The CHAIRMAN. The Chair understands that a point of order is made against the amendment.

Mr. JOHNSON of Kentucky. Without the gentleman's being able to cite any law?

The CHAIRMAN. It is incumbent on the gentleman from Kentucky to produce the law.

Mr. JOHNSON of Kentucky. If there is no such law, I can not produce it. If there is such a law, the gentleman from Illinois can produce it.

The CHAIRMAN. The Chair was about to observe that it is incumbent on the gentleman from Kentucky, who moved the amendment, to show the Chair the law upon which his amendment may be founded. It is not necessary for the gentleman from Illinois to produce law to the contrary.

Mr. JOHNSON of Kentucky. Mr. Chairman, I am unable to show any law, because I believe there is no such law.

The CHAIRMAN. Then, the amendment of the gentleman will be out of order.

Mr. BOWERS. Mr. Chairman, the authority of the gentleman from Kentucky to offer his amendment is the general authority of parliamentary law to offer amendments to bills under consideration. If his amendment is to be ruled out of order because it violates the rule of the House, it is incumbent upon those who make the point of order to show wherein it changes existing law. I do not claim to be specially posted on what the organic act is, but I think upon examination it will be found that there is general authority to appropriate for the maintenance of schools, and the law itself is not changed or modified in any way by the amendment of the gentleman from Kentucky.

Mr. JOHNSON of Kentucky. Mr. Chairman, I insist that if this is authorized by law, the amendment to it is germane, and if not authorized by law, the whole thing should go out on a point of order. In either view of it my amendment should be entertained.

Mr. STAFFORD. Mr. Chairman, I wish to call the attention of the Chair to the act of June 20, 1906, providing for the authority of the board of education. On page 317 of the Thirty-fourth Statutes at Large is the following:

The board shall determine all matters of general policy relating to the schools, shall appoint the executive officers hereinafter provided for, define their duties, and direct expenditures.

In the following paragraph is this language:

The board of education shall annually on the 1st day of October transmit to the Commissioners of the District of Columbia an estimate in detail the amount of money required for the public schools for the ensuing year, and said commissioners shall transmit the same in their annual estimate of appropriations for the District of Columbia, with such recommendations as they may deem proper.

Here we have express authority vested in the board of education to determine the general policy relating to the schools of the city. We also have the method by which the board of education shall submit their estimates to the commissioners, who in turn shall transmit them in their annual estimate of appropriations.

This, I assume, is warrant for the authorization as carried in the bill providing for kindergarten supplies. On the following page they have authority also for the employment of kindergarten assistants. That embodies the idea that there should be kindergarten instruction. If there is authority for kindergarten instruction, and authority is vested in the board to determine all questions of general policy, then, there having been authorization for the establishment of kindergarten education, it is within the province of the board of education to deter-

mine the character of that instruction, and part of that instruction would be the furnishing of supplies that would be needed for the instruction of these kindergarteners that attend the schools.

Mr. MANN. Mr. Chairman, of course it is impossible to conduct kindergartens or schools of any kind without supplies. It is impossible to conduct a school building without the use of coal, without the use of chalk. It is impossible to conduct a kindergarten without certain kindergarten supplies. The law authorizes the conduct of these schools and the purchase of supplies, so that the item itself is in order. The question, then, is whether the amendment is a mere limitation or whether it is simply an appropriation for a specific thing, or whether it changes existing law.

These supplies are not, as the gentleman from Kentucky [Mr. JOHNSON] evidently assumes, supplies to be furnished to individual children. That is not the way a kindergarten is run. These supplies are for use in the kindergarten room, and it would be impossible to distinguish in the schoolroom in furnishing the supplies whether the pupil was an indigent pupil or some other kind of a pupil, and the effect of the amendment is to say that the kindergarten supplies will be furnished only to those children who are indigent children, because you can not conduct a kindergarten without supplies.

Mr. GARDNER of Michigan. And I would say not only impossible, but it would be a cruel thing to do.

Mr. MANN. Well, it is impossible, whether it is cruel or not. The gentleman's amendment is not a proposition to appropriate money for the use of indigent children, but to say that a certain appropriation shall be made only for the use of indigent children, a change of the law, because the law provides that the schools shall be conducted for all the children. The gentleman's proposition is that under this the kindergarten is to be conducted only for the use of indigent children.

The CHAIRMAN. The Chair is ready to rule. The paragraph having been read, no point of order was made against it and therefore as to whether or not that paragraph would be in order is not for the Chair to decide. Upon an amendment being offered by the gentleman from Kentucky [Mr. JOHNSON] the gentleman from Illinois [Mr. MANN] made the point of order against it that it is new legislation. The Chair requested the gentleman from Kentucky and the other gentleman to cite authority of law for such an appropriation and no such authorities were furnished. If the amendment is in order at all it must be as a limitation upon an appropriation, and it is clear to the Chair that in the form in which the amendment is presented it is not a limitation to an appropriation, and the Chair therefore sustains the point of order.

The Clerk read as follows:

For contingent expenses, including furniture and repairs of same, stationery, printing, ice, purchase and repair of equipment for high-school cadets, and other necessary items not otherwise provided for, including an allowance of $300 each for livery of horse or garage of an automobile for the superintendent of schools, and for the superintendent of janitors, and including not exceeding $1,000 for books, books of reference, and periodicals, $47,500.

Mr. COX of Indiana. Mr. Chairman, I move to strike out the last word. I desire to call the attention of the gentleman in charge of the bill to the language—

Including an allowance of $300 each for livery of horse or garage of an automobile for the superintendent of schools and the superintendent of janitors.

Does that mean an appropriation for the superintendent of schools and one for the janitors?

Mr. GARDNER of Michigan. One for each.

Mr. COX of Indiana. It means two for the District?

Mr. GARDNER of Michigan. Yes.

Mr. COX of Indiana. I suppose they have an automobile?

Mr. GARDNER of Michigan. Yes; and this is simply to meet the expense of the automobile.

Mr. COX of Indiana. Has it been customary to carry that item in the bill heretofore?

Mr. GARDNER of Michigan. Yes.

Mr. COX of Indiana. To allow them to hire a horse or rent an automobile?

Mr. GARDNER of Michigan. Yes; at a stipulated amount.

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

The Clerk read as follows:

For textbooks and school supplies for use of pupils of the first eight grades, who at the time are not supplied with the same, to be distributed by the superintendent of public schools under regulations to be made by the board of education of the District of Columbia, and for the necessary expenses of the purchase, distribution, and preservation of said textbooks and supplies, including one bookkeeper and custodian of textbooks and supplies, at $1,200, and one assistant, at $600, $68,500: *Provided*, That the board of education, in its discretion, is authorized to make exchanges of such books and other educational publications now on hand as may not be desirable for use.

Mr. JOHNSON of Kentucky. Mr. Chairman, I move to strike out the last word, and I wish to offer an amendment in line 4. After the words "use of" and before the word "pupils" insert the word "indigent."

The CHAIRMAN (Mr. STAFFORD). The gentleman from Kentucky withdraws the pro forma amendment and offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 56, line 4, before the word "pupils," insert the word "indigent," so as to read "for use of indigent pupils."

Mr. GARDNER of Michigan. Mr. Chairman, I make the point of order that it changes existing law.

The CHAIRMAN. The gentleman from Michigan makes the point of order. Does the gentleman from Kentucky wish to be heard on the point of order?

Mr. JOHNSON of Kentucky. Mr. Chairman, I do not believe it is new law; in fact, I do not believe that there is any law for much that is being done under that very clause. For instance, under that clause they are furnishing supplies for the cooking schools and for the sewing schools; and these supplies are not only furnished for the sewing schools, but the supplies that are furnished at the sewing schools by the United States Government, when worked into usable things, are taken away by the children and converted to their own use, according to the report of the school board. For instance, in one of the reports this language is used, referring to hat frames:

The course in millinery begins in the second school year with the drafting and making of frames.

The report says further:

Instruction is given in the use of the special implements needed in this kind of work and in the special forms of sewing demanded. The frames are then covered and trimmed according to original ideas. The material is provided for the pupil until she has mastered the technicalities, when she may bring material from home.

Further the report says:

Nearly every girl in the McKinley School who takes a millinery course makes all the hats she wears besides many for members of her family.

Much of that material, I contend, is being bought by the United States Government and is being distributed, through the children, to members of their families, and I seriously contend that there is no such law for such a proposition.

Mr. NORRIS. If the gentleman will permit——

Mr. JOHNSON of Kentucky. Certainly.

Mr. NORRIS. I would like to ask the gentleman if he will permit, whether he draws that conclusion from that part of the report he has read.

Mr. JOHNSON of Kentucky. What conclusion?

Mr. NORRIS. The conclusion that those hats made for members of the family are made out of material supplied by the Government.

Mr. JOHNSON of Kentucky. Why, the report says so.

Mr. NORRIS. As the gentleman read it I would not draw the conclusion that he seems to draw from the language. I am not disputing or denying the fact, because I have no information upon it; but it does not seem to me he is justified in drawing that conclusion from the language just read to us.

Mr. JOHNSON of Kentucky. Now, then, Mr. Chairman, among the use of these supplies from one of the school reports I find a recommendation that—

Stereopticon and other lectures may be easily given to which the public may be invited.

I do not believe the United States Government should pay for them. And then it goes along; and, according to this report, public dinners are had at these cooking schools at the expense of the Government. The children are sent out to buy stuff to be used at these cooking schools and guests are invited in. The report is that for this they have linens and china and even go so far in their report as to say that they wish to buy silverware to be used in these cooking schools.

Mr. GARDNER of Michigan. May I interrupt the gentleman?

Mr. JOHNSON of Kentucky. Certainly.

Mr. GARDNER of Michigan. The gentleman is taking the wrong paragraph if he wishes to make the point of order against it.

Mr. JOHNSON of Kentucky. This is "for textbooks and school supplies for use of pupils in the first eight grades," and I want to say to the gentleman right here that according to the school reports hot lunches are being served at public expense to the children of those grades.

Mr. GARDNER of Michigan. But in so far as manual training, upon which the gentleman was laying stress a few moments ago—

For the purchase and repair of tools, machinery, and books, and apparatus to be used in connection with instruction in manual training, and for incidental expenses connected therewith.

That is the paragraph against which the gentleman's objection is made.

Mr. JOHNSON of Kentucky. I am using it as an argument against this, that the public should not be compelled to furnish these banquets—four or five course banquets—not only to children but to invited guests; and, further, that the material furnished to these children out of which new hats are made should not be made up into hats and distributed among them and their families as is reported in this school-board report.

In addition to that, the pupils, the children of rich people especially, should not be fed at midday at the public expense in the graded schools. Therefore I offer the amendment to put the word "indigent" before the word "children."

Mr. GARDNER of Michigan. Mr. Chairman, the gentleman from Kentucky certainly confuses the two paragraphs.

Mr. JOHNSON of Kentucky. Whether I do or not, if the gentleman will permit me, I do not confuse the purpose for which this money is being expended. I use the night schools as a further illustration of what I am contending for under this proposition.

Mr. GARDNER of Michigan. The gentleman's objection is against this paragraph for textbooks and school supplies for use of pupils in the first eight grades—that is, for all the pupils in the District in the first eight grades. For 20 years appropriations have been made according to this language. Now, the gentleman would endeavor to segregate the indigent pupils, would compel them to make proof of it, and not only that, but it is a violation of existing law as an amendment thereto.

Mr. JOHNSON of Kentucky. Will the gentleman cite me to the law?

The CHAIRMAN. Will the gentleman cite to the Chair any law that authorizes the purchase of school supplies?

Mr. GARDNER of Michigan. On the same principle, Mr. Chairman, that appropriations for other things are made. It is a continuing work in progress.

The CHAIRMAN. Does the gentleman contend, also, that free textbooks is a necessary incident to the continuation of a public work?

Mr. GARDNER of Michigan. To the public schools as now conducted; yes, sir.

Mr. JOHNSON of Kentucky. Mr. Chairman, I might say that in the schools as conducted everywhere else in this country most of the pupils furnish their own, but every State, practically, has a law to furnish indigent children with books when they can not buy them.

Mr. MICHAEL E. DRISCOLL. How can the teachers determine who are indigent and who are not?

Mr. JOHNSON of Kentucky. If they have the capacity to teach the children, they certainly have capacity enough to ascertain who are able to buy their textbooks and who are not able to do so——

Mr. MICHAEL E. DRISCOLL. Who will they ascertain from?

Mr. JOHNSON of Kentucky (continuing). And if they can not ascertain that question, I say they are not capable.

Mr. MICHAEL E. DRISCOLL. Will they ascertain it from the children? How will they go about it to find out?

Mr. JOHNSON of Kentucky. By compelling everyone who comes to school and asks for a book to be provided with an affidavit from his parents to the effect that he is not able to buy books and supplies for him.

Mr. MICHAEL E. DRISCOLL. Would you let whatever the parent says pass?

Mr. JOHNSON of Kentucky. If he makes an affidavit to it I would accept it and then investigate; and, if it is afterwards found that that affidavit was falsely made, then the parent should be prosecuted, and it should be seen that he is put behind the bars for false swearing.

Mr. PARSONS. There is no law which would put a man behind the bars for making a false affidavit.

Mr. MANN. I would like to be heard on the point of order.

Mr. JOHNSON of Kentucky. Does the gentleman contend that there is no law to punish a perjurer in the District of Columbia?

Mr. PARSONS. I will venture that it is not perjury to swear falsely in an affidavit in the gentleman's State.

Mr. JOHNSON of Kentucky. I will venture to say that it would not be perjury unless the law defines it as perjury. I make a distinction between perjury and false swearing; and I will say that in my State there is a law making false swearing a penitentiary offense.

Mr. PARSONS. If the affidavit is required by law, yes; if the affidavit is not required by law, no.

Mr. MANN. It seems to me the proposition is different from the one on which the Chair ruled before. The proposition now is whether it is in order to make an appropriation for the purchase of textbooks and supplies for the use of indigent pupils. If we have authority to purchase textbooks for all pupils, then we have authority to purchase textbooks for indigent pupils. Of course, there is no authority to purchase textbooks until the amendment of the gentleman is in order, because it is only protecting the text of the bill. It seems to me, while I am not in sympathy at all with the amendment as a proposition upon an appropriation bill at this time, waiving the original question as to whether we ought really to furnish textbooks or not, I can see no escape from the proposition that the amendment is in order, it being merely a proposition for us to appropriate money for a certain purpose which is included in a larger purpose.

The CHAIRMAN. The Chair is prepared to rule. The gentleman from Kentucky offers an amendment which limits the appropriation for textbooks and school supplies to indigent pupils. It might be claimed that, so far as school supplies are concerned, there would be no authority of law to appropriate the money, as for an object or a work in progress, similar to the authority for appropriating money for ammunition for guns for the Army, and that the supplies were properly for the use of all pupils who of right attend the schools; but to carry this contention to the further extreme and say that it would extend to textbooks would be a far-fetched ruling. There being no authority of law for providing textbooks for pupils, that provision would be subject to a point of order. It being subject to a point of order, then it is in the province of any gentleman to offer a germane amendment. To qualify the class who may receive the textbooks is properly germane. The Chair holds that the amendment offered by the gentleman from Kentucky is germane and is in order. The point of order is therefore overruled.

The question is on the amendment offered by the gentleman from Kentucky.

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

Mr. JOHNSON of Kentucky. Division, Mr. Chairman.

The committee divided; and there were—ayes 25, noes 18.

Mr. GARDNER of Michigan. Tellers, Mr. Chairman.

The question was taken, and tellers were ordered.

The CHAIRMAN. The gentleman from Michigan [Mr. GARDNER] and the gentleman from Kentucky [Mr. JOHNSON] will take their places as tellers.

The committee again divided; and tellers reported—ayes 24, noes 27.

Mr. JOHNSON of Kentucky. I make the point of no quorum.

The CHAIRMAN. The gentleman from Kentucky makes the point of no quorum. The Chair will count.

Mr. MANN. A parliamentary inquiry. Does the gentleman make the point of no quorum voting or present?

The CHAIRMAN. What was the point made by the gentleman from Kentucky?

Mr. JOHNSON of Kentucky. I make the point that no quorum is present.

Mr. SHACKLEFORD. I make the additional point that a quorum has not voted.

The CHAIRMAN. The Chair refuses to entertain that point. [After counting.] One hundred and one present—a quorum; the noes have it, and the amendment is rejected.

The Clerk read as follows:

For purchase of United States flags, $800.

Mr. MICHAEL E. DRISCOLL. I move to strike out the last word, to ask why $800 is required every year to furnish flags?

Mr. GARDNER of Michigan. That matter was brought up in the hearings, and it was represented that amount was necessary to meet the wear and tear and keep up the supply. It used to be $1,000 and was cut down to $800, and we are informed it takes that amount.

Mr. TAYLOR of Ohio. We had the commissioners investigate, and they made the report that the entire amount was used.

Mr. MICHAEL E. DRISCOLL. I want to be reasonably patriotic in this matter.

The Clerk read as follows:

For the purchase of ground adjacent to the Corcoran School for the extension of said school, approximately 7,200 square feet, $9,000.

Mr. JOHNSON of Kentucky. I make the point of order to that paragraph.

Mr. MANN. What is the point of order?

Mr. JOHNSON of Kentucky. That it is not authorized by law; there is no law authorizing the purchase.

Mr. MANN. I know that it has been frequently held that the purchase of adjoining lands is a continuation of a work in progress.

Mr. JOHNSON of Kentucky. I do not suppose, Mr. Chairman, anybody is going to seriously contend that this does not have to be authorized by law before the Committee on Appropriations can appropriate money for it.

Mr. TAYLOR of Ohio. What?

Mr. JOHNSON of Kentucky. For the purchase of additional lands.

Mr. MANN. Mr. Chairman, my recollection is that whenever the Government owns a piece of land it is in order to purchase an adjoining piece of land.

Mr. JOHNSON of Kentucky. Then they could buy ad libitum, and buy the rest of the city, and keep on extending.

Mr. MANN. Yes; if they added it in that way. But that is not the question of order, but a question of judgment.

Mr. JOHNSON of Kentucky. That is what I am objecting to.

Mr. MANN. That has nothing to do with the point of order.

Mr. TAYLOR of Ohio. Mr. Chairman, there can be no question but that the law we passed in the Fifty-ninth Congress, providing for a very comprehensive school system, provided for teachers and a system of schools. It would be extremely strange that there would have to be a special law authorizing sites to be purchased and buildings to be erected for the schools for the children and carrying on the course of instruction. The law makes it compulsory that these children shall attend school, and yet the gentleman from Kentucky insists that there is no law for the building of schools for the children who are compelled to attend them.

Mr. JOHNSON of Kentucky. I make no such assertion.

Mr. TAYLOR of Ohio. I do not think the Chair need to go any further than to look at the organic act to find ample authority for the purchase of sites on which to build schools.

The CHAIRMAN (Mr. TILSON). The Chair is ready to rule. Can the gentleman from Kentucky cite the Chair to any law limiting the cost of this particular school building and its grounds? The paragraph to which the point of order is made is—

for the purchase of ground adjacent to the Corcoran School for the extension of said school, approximately 7,200 square feet, $9,000.

Unless there has been a limit fixed by law upon the total cost of this building and its grounds, the purchase of additional land should be held to be a continuation of a public work.

The Chair finds this principle laid down in the Manual under Rule XXI, on page 414, as follows:

The purchase of adjoining land for a work already established has been admitted under this principle.

Following the precedents, the Chair overrules the point of order.

Mr. JOHNSON of Kentucky. Then, Mr. Chairman, if I understand your decision, it is that when the school board has acquired one piece of property it may, without further authorization of law, acquire and continue to acquire adjoining pieces until it has acquired the entire District of Columbia.

Mr. KEIFER. If Congress approves and appropriates the money for it; yes.

The CHAIRMAN. As far as the authority of the school board is concerned, it is something with which the Chair has nothing to do. This is simply a question of order as to what may be properly placed in an appropriation bill. Following the precedents, the Chair is compelled to rule as he has ruled.

Mr. JOHNSON of Kentucky. I understand the Chair, then, to hold that there is no limit to purchases that may be made, provided the property adjoins, and that therefore next year an addition to this can be purchased.

The CHAIRMAN. That question has not been presented to the Chair.

Mr. GARDNER of Michigan. Regular order!

The CHAIRMAN. The regular order is called for. The Clerk will read.

The Clerk read as follows:

For purchase of site for a new central high school, approximately 400,000 square feet, to be located north of Q Street north and west of Tenth Street west, $250,000.

Mr. COX of Indiana. I reserve a point of order on that paragraph, for the purpose of making inquiry. I do not wish to do anything to cripple the school service of the District of Columbia; but in the paragraph to which the point of order has been reserved and those following it there are all told five items proposing to buy new ground upon which to erect buildings, at a total cost of more than $500,000. As the school service in this city is costing such a tremendous amount, I want to ask the chairman of the committee whether it is the judgment of the committee that it is essential and necessary that this ground be bought.

Mr. TAYLOR of Ohio. I will say to the gentleman that the committee went into this thing in great detail, both last year and this year. We, of course, must be governed to a great extent by the opinions of the officers of the schools and of the Commissioners of the District.

The buildings which appear in this bill are by no means all that were urged upon us either this year or last year, but they were very earnestly recommended and urged as absolute necessities, both by the board of education and by the District Commissioners. I may say concerning the item to which the gentleman reserves the point of order that there is now a Central High School, which is about the most obsolete building that we have in the District. It is practically unfit, and it would be a great mistake to undertake to repair or remodel it. It would not be economy.

Mr. COX of Indiana. What do you propose to do with the old high school?

Mr. TAYLOR of Ohio. Possibly to put offices in it, or turn it over to some other school which will more fit the structure. The Central High School has, I think, 1,400 pupils—a very large number. The building is old-fashioned, not up-to-date, poorly lighted, and it ought not to be used much longer for a high school; but it can be used for other purposes.

Mr. SIMS. Is it not also very poorly located?

Mr. TAYLOR of Ohio. It is also poorly located. The gentleman is right.

Mr. SIMS. How far do we propose to locate the new building from the place where the old building is located?

Mr. TAYLOR of Ohio. The bill provides that it must be north of Q Street and west of Tenth Street, and the District Commissioners will advertise for proposals for a site within those limits.

Mr. COX of Indiana. Then the site has not yet been selected?

Mr. TAYLOR of Ohio. Oh, no.

Mr. SIMS. How far west does this bill give them authority to go?

Mr. TAYLOR of Ohio. Just as far as they want to.

Mr. SIMS. That is a very wise provision. They ought to go farther west than that.

Mr. MICHAEL E. DRISCOLL. It might be located in the extreme northwest.

Mr. TAYLOR of Ohio. They have a Western High School over there already.

Mr. MICHAEL E. DRISCOLL. They ought to put it considerably north of Q Street.

Mr. TAYLOR of Ohio. If we have any confidence at all in a government by men to whom power is delegated, we must vest some discretion in them.

Mr. MICHAEL E. DRISCOLL. What information has the gentleman as to whether or not this site can be purchased for $250,000?

Mr. TAYLOR of Ohio. If not, then it can not be purchased, for we have fixed this limitation.

Mr. COX of Indiana. Has the gentleman any information as to whether it can be bought?

Mr. TAYLOR of Ohio. The committee has no information as to where the site is; we have given a large territory to select the site from.

Mr. COX of Indiana. Does the gentleman know whether the board has any site under consideration?

Mr. TAYLOR of Ohio. We have no knowledge of that; they probably have been investigating it or they would not have offered the suggestion which they did. They have not put before the committee any site, but simply the territory which is set out here.

Mr. STAFFORD. Will the gentleman yield?

Mr. TAYLOR of Ohio. I will yield.

Mr. STAFFORD. I have examined the hearings before the committee and tried to ascertain whether there was any need of this new Central High School. The testimony is very slight and gives little information on that subject. I was impressed this morning by the statement of the gentleman from Vermont, who seems to be very well acquainted with the school conditions here, that there were more high schools than were needed. My attention has been called to the fact that last year there were additions made to the Western High School, for which provision is made in this bill for equipment and furnishing. I wish to ask this direct question: Whether the committee has had submitted to it any estimate as to cost of the proposed building?

Mr. TAYLOR of Ohio. The new high-school building?

Mr. STAFFORD. Yes.

Mr. TAYLOR of Ohio. Nothing before this committee as to the building, for we have not got the site yet.

Mr. STAFFORD. As to the amount of land, approximately 400,000 square feet—that would provide for a tract of land 500 feet by 800 feet, or 600 feet by 700 feet.

Mr. TAYLOR of Ohio. It will provide for a very large school building, one of the largest in the District, if not the largest.

Mr. STAFFORD. We have a capacious high-school building in the western part of the city.

Mr. TAYLOR of Ohio. Yes; one of the best I ever saw.

Mr. STAFFORD. And we have other high-school buildings in existence. In some cities it is the practice to have only one central high school, whereas in this city they have several high schools.

Mr. MANN. Mr. Chairman, I noticed this morning that the gentleman from Massachusetts [Mr. PETERS], recently married, has taken great interest in school problems, and the gentleman from Wisconsin, being a bachelor, I wonder if the reason he takes such interest in the schools is because he contemplates early marriage. [Laughter.]

Mr. STAFFORD. I will say to the gentleman from Illinois that I have always taken great interest in the schools, as I have relatives very close to me who have children.

Mr. TAYLOR of Ohio. For the past several years the commissioners and the school board have earnestly urged the committee to appropriate for this site, and last year they made very earnest effort to have the committee include this item in the school estimate. We have put it off for years, but this year they thought it was one of the most urgent, and insisted that we put it in, and we did so largely upon what we had heard in the prior hearings.

Mr. STAFFORD. How many high schools are there?

Mr. TAYLOR of Ohio. I think there are three for the whites and two for the colored.

Mr. STAFFORD. What is the fact as to whether the present high schools are adequate for pupils?

Mr. KENDALL. Mr. Chairman, if the gentleman will yield——

Mr. STAFFORD. I will yield to the gentleman from Iowa.

Mr. KENDALL. I have no information except what I acquired in conversation day before yesterday with one of the most responsible business men in the District He was complaining of the Central High School that appeared to be under discussion. He said long ago the necessities of the District had outgrown this school both in size to accommodate children and also in its equipment. He said that everything connected with the school was obsolete, and complained particularly of its location, which he said was not a good one.

Mr. STAFFORD. Where is it located?

Mr. KENDALL. I do not know.

Mr. GARDNER of Michigan. It is on Seventh Street, near the McKinley Manual Training School.

Mr. COX of Indiana. Mr. Chairman, this is all being taken out of my time.

Mr. KENDALL. Well, I will make a request for the gentleman's time to be extended. I am stating this because the subject seems to be under discussion, and I thought this was pertinent to the discussion. This gentleman, in whom I have great confidence, I know spoke with a single eye to the best interest of the District of Columbia.

Mr. COX of Indiana. Mr. Chairman, I do not want to do anything that will injure the public schools, but I do not want to see a useless amount of money appropriated for something that is not needed,

Mr. TAYLOR of Ohio. We are on common ground there.

Mr. COX of Indiana. What does the gentleman think of the paragraph immediately following that, whether they are absolutely necessary?

Mr. TAYLOR of Ohio. I am not an expert on the subject; but I have done that which every other Member ought to do—I have investigated by talking with persons in charge of the schools, and with gentlemen in charge of the affairs of the District, and in my opening remarks I said that every one of these building sites were declared to be absolutely essential.

Mr. COX of Indiana. The gentleman from Vermont stated this morning that there were too many school buildings, and if we keep building these buildings we never can centralize.

Mr. SIMS. Mr. Chairman, I would like to say a word or two on this matter.

Mr. TAYLOR of Ohio. Mr. Chairman, I yield the balance of my time.

Mr. SIMS. Mr. Chairman, the Eastern High School is located east of the Capitol, so as to accommodate the people in the southeast and the northeast, and it does accommodate them. The Western High School is situated nearly as far west as the Georgetown University, and here is a vast area of country between these two, thickly settled, that must necessarily patronize the Central High School, else they will be placed at a very great disadvantage. I had to send my son, while living between Fourteenth and Fifteenth Streets, to the Western High School on account of the Central High School being so crowded. If any gentleman will go over there and look at that old building and the locality in which it is situated, he will vote to tear it down if he does not vote to buy a foot of land anywhere else. It is entirely unsuitable for the purposes for which it is being used, and I do not think the committee can be too much commended for their zeal in trying to have a decent and suitable building for the Central High School.

Mr. TAYLOR of Ohio. We have fought this back for three years in an effort to economize, and we could not get around the physical fact this year and were compelled to put it in the bill.

Mr. SIMS. Those facts are very strongly in favor of making some change.

Mr. COX of Indiana. Mr. Chairman, I am informed by a gentleman on our side, a member of the committee, that the place where the old high school is situated is a very undesirable place. There are, I am informed, several saloons in that vicinity.

Mr. BOWERS. Several of them.

Mr. COX of Indiana. With that end in view, and with the further end in view of wanting to advance education in the District of Columbia, Mr. Chairman, I withdraw the point of order.

Mr. MICHAEL E. DRISCOLL. Mr. Chairman, I renew the point of order and reserve it. I would like to know, first, whether the gentleman in charge of this bill accepts as true what the gentleman from Vermont said this morning about the schools.

Mr. GARDNER of Michigan. I may say to the gentleman from New York that that criticism was, in my judgment, well founded, but it has no relation to the Central High School.

Mr. MICHAEL E. DRISCOLL. There are three high schools, and I would like to ask the gentleman whether the one he speaks of up here is a white school or a colored school.

Mr. GARDNER of Michigan. It is white.

Mr. MICHAEL E. DRISCOLL. And the one in Georgetown is white?

Mr. GARDNER of Michigan. Yes.

Mr. MICHAEL E. DRISCOLL. Where is the colored school?

Mr. GARDNER of Michigan. There is one colored high school in the northeast, is there not? I will ask the gentleman from Tennessee [Mr. SIMS].

Mr. SIMS. Mr. Chairman, I myself do not know the situation of the colored high schools. I have sent to the Western and to the Eastern, and would not send to the Central because I do not think it is a proper place.

Mr. MICHAEL E. DRISCOLL. Is it proposed here to discontinue these two high schools which now exist when these new ones are built?

Mr. GARDNER of Michigan. Mr. Chairman, the gentleman from Tennessee stated it very clearly. The Western High School, a very fine institution, is as far away as the Georgetown University—away in the extreme western limits of the city. The Eastern High School is out here—out beyond the Congressional Library.

Mr. SIMS. It is as far east as Lincoln Park, or nearly so.

Mr. GARDNER of Michigan. The Central High School is down here on Seventh Street, in a congested part of the town, in unpleasant environments. It has been my good fortune, or otherwise, to visit that school several years ago, and I agree with everything that has been said. There are many cities in this country of 40,000 people that have, with a less number of pupils, a far better high school than this is to-day. Not only that, but this new building is needed to do the work.

Mr. MICHAEL E. DRISCOLL. Is not it providing here for two high schools—one between lines 6 and 9, on page 59, and the other between lines 22 and 25?

Mr. GARDNER of Michigan. That is the colored high school; yes.

Mr. MICHAEL E. DRISCOLL. What is going to become of the present colored high school, if that is established?

Mr. GARDNER of Michigan. I can not tell you just at this time.

Mr. MICHAEL E. DRISCOLL. Is it proposed to maintain five high schools here when those two are built?

Mr. GARDNER of Michigan. No; this is the new Central High School; the other will be used for other purposes or abandoned.

Mr. BOWERS. May I call the attention of the gentleman from New York to the fact that the colored school provided for is not a high but a normal school?

Mr. MICHAEL E. DRISCOLL. Everybody who has spoken here spoke of there being two high schools——

Mr. BOWERS. The three high schools under discussion are the three white high schools—one in Georgetown, one in the northeast, and one on O Street, between Sixth and Seventh. The O Street one is in the midst of surroundings, as stated by the gentleman from Michigan and others, that are decidedly undesirable.

It is an antiquated building and it is insanitary. Now, it is proposed to abandon that school and select a new site somewhere north of Q Street and west of Tenth Street to take the place of this old school which is to be abandoned.

Mr. MICHAEL E. DRISCOLL. Do you call that a central high school?

Mr. BOWERS. Yes; the one situated on O Street between Sixth and Seventh.

Mr. STAFFORD. Will the gentleman state what is to be the character of the school for which provision is carried in lines 22 and 25 for the purchase of a site for a new M Street high school.

Mr. BOWERS. The M Street High School is a colored high school.

Mr. STAFFORD. Then you are now making provision for a normal school and also for a high school for colored students.

Mr. BOWERS. Yes.

The CHAIRMAN. The time of the gentleman from New York has expired. Does the gentleman from New York withdraw the point of order?

Mr. MICHAEL E. DRISCOLL. Mr. Chairman, as I am not sure about there not being a necessity for it, I will withdraw the point of order.

The Clerk read as follows:

Toward the construction of a normal school building for colored pupils, and the total cost of said building under a contract which is hereby authorized therefor shall not exceed $200,000, $75,000.

Mr. JOHNSON of Kentucky. Mr. Chairman, I make the point of order against the paragraph on the ground that it is legislation not authorized by law.

Mr. STAFFORD. I hope the gentleman will withhold his point of order, or at least will withhold it——

Mr. JOHNSON of Kentucky. I will withhold it; I will reserve it.

Mr. STAFFORD. Mr. Chairman, if the hearings disclose anything, they disclose inadequate appropriations in the estimates for accommodations for the colored school children of the District of Columbia. We have just passed an appropriation for $250,000, without any point of order having been made against it, to provide a site for an expensive high-school building for white school children. If the hearings are to be relied on, there is more need in this District for the accommodation of colored students of high-school age, and I think it would be far better to have made the point of order on the extravagant proposition of $250,000 rather than to raise it here against the appropriation of only $75,000, and one which seems to be the most needed. I hope the gentleman, in view of the hearings before the committee, will withdraw the point of order on the ground of urgency. I personally was not much in sympathy with the inauguration of the policy which will involve a total appropriation before we are through of more than $2,000,000 for an expensive high-school building when we had, perhaps, adequate quarters for the time being for our white high-school pupils, in view of the lack of quarters for the colored pupils of the District.

Mr. GARDNER of Michigan. Mr. Chairman, if I may say, the land for this purpose was bought under instructions of the House a year ago, and this is simply to put a school upon that which the law clearly authorized.

Mr. MANN. Where did the law authorize it?

Mr. GARDNER of Michigan. It provided for the purchase of ground.

Mr. MANN. Oh, no, not at all; the purchase of ground does not authorize the construction of a building on it.

Mr. GARDNER of Michigan. That is the way it has been held.

Mr. MANN. How held?

Mr. GARDNER of Michigan. What was the need in this case of buying ground if not for the purpose of putting up a building?

Mr. MANN. That has nothing to do with the question of the rules of the House.

Mr. TAYLOR of Ohio. The law last year provided—

For site for Normal School No. 2, north of O Street, west of North Capitol Street and east of Seventh Street and Georgia Avenue, not exceeding $40,000.

On this site they propose to start the construction of a colored normal school.

The CHAIRMAN. Does the gentleman from Kentucky [Mr. JOHNSON] insist on his point of order?

Mr. JOHNSON of Kentucky. I insist on it, Mr. Chairman. The legislation upon which the gentleman seeks to found it was not legitimate legislation.

Mr. STAFFORD. The provision for the Central High School was clearly subject to a point of order.

The CHAIRMAN. The gentleman from Kentucky makes a point of order against the paragraph reading:

Toward the construction of a normal school building for colored pupils, the total cost of said building under contract hereby authorized therefor to not exceed $200,000, $75,000.

Mr. JOHNSON of Kentucky. I wish to invite the attention of the Chair to the language that it is "hereby authorized."

The CHAIRMAN. The Chair observed the language in the paragraph. To this the gentleman from Kentucky [Mr. JOHNSON] makes the point of order that it is not authorized by law, and there is the further intimation from the gentleman that it carries new legislation. The precedents upon this point are somewhat numerous, and the Chair will bring to the attention of the committee only two of these, if the committee will indulge the Chair. The first one is as follows:

On January 24, 1905, the District of Columbia appropriation bill was under consideration in Committee of the Whole House on the state of the Union, when the following paragraph was read:

"For site for and toward construction of one eight-room building in the fifth division to relieve Curtis School, $29,800; and the total cost of said building, including cost of site, under a contract which is hereby authorized therefor, shall not exceed $59,800."

Mr. C. R. DAVIS, of Minnesota, made the point of order that there was no law authorizing the construction of this building.

Mr. James T. McCleary, of Minnesota, referring to the general law which provided for the school system and proper extension of that system as exigencies might arise, claimed that the appropriation was in order as a continuing work.

The Chairman on that occasion, Mr. JAMES R. MANN, of Illinois, ruled as follows:

The Chair is clearly of the opinion, and he is sustained by the precedents, that to buy a site for a new schoolhouse would require positive legislation, just the same as it would to buy a site for a new wharf or a new dry-dock or any other new public structure. The Chair can not see any difference between these cases; it is just as necessary in order to maintain the District government to have a District building as it is to have a District schoolhouse to carry on school work. The District building must be, and is, authorized by positive legislation, without regard merely to an appropriation. The Chair sustains the point of order.

There is a further claim made that a site has already been purchased for this school building, and it is insisted that, therefore, it is a continuation of a public work. The Chair refers to the Digest, page 413, as follows:

The rule requiring appropriations to be authorized by existing law excepts those "in continuance of appropriations for such public works and objects as are already in progress." But an appropriation in violation of existing law or to extend a service beyond a fixed limit is not in order as the continuance of a public work. * * *

It has been held that a work has not been begun, within the meaning of the rule, when an appropriation has been made for a site for a public building, or when a commission has been created to select a site, or when a site has actually been selected for a work.

Further, there is included in this paragraph legislation establishing a limit of cost of the building.

Therefore the Chair sustains the point of order.

Mr. GARDNER of Michigan. Mr. Chairman, I desire to offer an amendment.

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

The Clerk read as follows:

Toward construction of a normal school building for colored pupils, to cost not exceeding $200,000, on a site purchased therefor under the authority of the District of Columbia appropriation act for the fiscal year 1911, $75,000.

Mr. JOHNSON of Kentucky. Mr. Chairman, I make the point of order against that. No site has yet been purchased, I am informed by a member of the committee.

The CHAIRMAN. It does not seem to the Chair that the amendment offered by the gentleman from Michigan materially changes the question at all. The Chair therefore sustains the point of order against the amendment.

The Clerk read as follows:

For purchase of site approximately 15,000 square feet and the erection thereon of a six-room manual-training building in the twelfth division, $54,000.

Mr. JOHNSON of Kentucky. Mr. Chairman, I make the point of order that that is not warranted by existing law.

The CHAIRMAN. For the reason just stated in the preceding ruling the point of order is sustained.

The Clerk read as follows:

For the purchase of a site for a new M Street High School, approximately 60,000 square feet, to be located north of M Street NW. and west of North Capitol Street, $60,000.

Mr. JOHNSON of Kentucky. For the reason just given, I make the point of order as to that.

Mr. MANN. Will the gentleman reserve the point of order until I can ask a question? What is the Eleventh Street schoolhouse?

Mr. TAYLOR of Ohio. All these that the gentleman has made the point of order on are colored schools.

Mr. JOHNSON of Kentucky. I do not care whether they are colored or white; it is new legislation.

Mr. STAFFORD. If the gentleman will permit me, he did not make the point of order against that provision which provided for a new site for a new high school for white pupils.

Mr. JOHNSON of Kentucky. I will say that I would have made the point of order against that, but the gentleman from Indiana [Mr. Cox] made the point of order.

Mr. STAFFORD. I beg to differ with the gentleman. The gentleman from Indiana reserved the point of order and then withdrew it, and the gentleman from New York [Mr. MICHAEL E. DRISCOLL] reserved it and later withdrew it, and any gentleman could have made the point of order, and it would have been sustained.

Mr. JOHNSON of Kentucky. I will say to the gentleman without hesitation that if I had understood that that was going to be done I would have made the point of order. If the committee will go back to it now, I will make the point of order against it.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

Columbia Institution for the Deaf and Dumb: For expenses attending the instruction of deaf and dumb persons admitted to the Columbia Institution for the Deaf and Dumb from the District of Columbia, under section 4864 of the Revised Statutes, and as provided for in the act approved March 1, 1901, and under a contract to be entered into with the said institution by the Commissioners of the District of Columbia, $11,000, or so much

Mr. GARDNER of Michigan. Mr. Chairman, I desire to offer the amendment, to correct the text of the bill, as the printer inadvertently left out three or four words.

The Clerk read as follows:

On page 51, at the end of line 15, insert the words "thereof as may be necessary."

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

The Clerk read as follows:

METROPOLITAN POLICE.

Major and superintendent, $4,000; assistant superintendent, with rank of inspector, $2,500; 3 inspectors, at $1,800 each; 11 captains, at $1,500 each; chief clerk, who shall also be property clerk, $2,000; clerk and stenographer, $1,500; clerk, who shall be assistant property clerk, $1,200; 3 clerks, at $1,000 each; 4 surgeons of the police and fire departments, at $600 each; additional compensation for 20 privates detailed for special service in the detection and prevention of crime, $4,800, or so much thereof as may be necessary; 12 lieutenants, 1 of whom shall be harbor master, at $1,320 each; 45 sergeants, 1 of whom may be detailed for duty in the harbor patrol, at $1,250 each; 537 privates of class 3, at $1,200 each; 63 privates of class 2, at $1,080 each; 59 privates of class 1, at $900 each; amount required to pay salaries of privates of class 2 who will be promoted to class 3 and privates of class 1 who will be promoted to class 2 during the fiscal year 1912, $2,709.50; 6 telephone operators, at $720 each; 14 janitors, at $600 each; messenger, $700; messenger, $500; major and superintendent, mounted, $240; inspector, mounted, $240; 55 captains, lieutenants, sergeants, and privates, mounted, at $240 each; 64 lieutenants, sergeants, and privates, mounted, on bicycles, at $50 each; 26 drivers, at $720 each; 3 police matrons, at $600 each; in all, $934,959.50.

Mr. JOHNSON of Kentucky. Mr. Chairman, I make the point of order against several provisions that are in that paragraph on the ground that new offices are created and legislation not authorized by law. On page 62, in line 21, 537 private policemen are provided for. Heretofore the largest provision which has been made was for 525 privates. That is an increase in the number not authorized by law and I make the point of order against that. Then, in line 23, on the same page, it provides for 63 privates of class 2, whereas heretofore only 61 of class 2 have been provided for. In line 24, on the same page, 59 privates of class 1 are provided for, which is an increase in the number. And, then, beginning at the very bottom of page 62, in the last line, the words:

Amount required to pay salaries of privates of class 2 who will be promoted to class 3 and privates of class 1 who will be promoted to class 2 during the fiscal year 1912, $2,709.50.

That is entirely new.

Mr. MANN. Oh, no; that is not new law.

Mr. JOHNSON of Kentucky. In line 12, page 63, 64 lieutenants, sergeants, and privates are provided for, which is an enlargement of the number; and in line 16, 34 are provided for, which is an enlargement of the number.

The CHAIRMAN. The gentleman must be in error as to the number referred to in line 11. Will the gentleman give me his attention? The gentleman must be in error as to the last reference, and probably refers to line 11.

Mr. JOHNSON of Kentucky. On line 11, page 63.

The CHAIRMAN. The gentleman said line 16.

Mr. JOHNSON of Kentucky. I am in error about that, Mr. Chairman, and withdraw it.

Mr. MANN. The gentleman is in error in regard to the top of page 63; that is in the current law.

The CHAIRMAN. Does the gentleman from Kentucky make his point of order against that part of the paragraph?

Mr. JOHNSON of Kentucky. Yes; against all those I have named. I withhold the point of order, if the gentleman wants to make a statement.

Mr. GARDNER of Michigan. No; I do not want it to be withheld.

The CHAIRMAN. The gentleman from Kentucky withholds the point of order temporarily.

Mr. GARDNER of Michigan. Mr. Chairman, I would like the attention of the gentleman from Kentucky. I want to say that the committee in making these appropriations has followed literally the law reported by the committee of which the gentleman from Kentucky is one of the distinguished members, and has departed from it in no respect whatever. If the gentleman from Kentucky can show any departure from the law which he himself helped to make, I wish he would do it.

Mr. JOHNSON of Kentucky. I beg the gentleman's pardon. I did not help to make it.

Mr. GARDNER of Michigan. I ask the gentleman to show wherein the Committee on Appropriations have exceeded the provisions of the law.

Mr. JOHNSON of Kentucky. Mr. Chairman, it is necessary for the gentleman to show that the committee is authorized to make the appropriation.

Mr. BOWERS. These are automatic promotions provided for by law.

Mr. JOHNSON of Kentucky. They may be automatic, but they are not authorized by law.

Mr. BOWERS. They are authorized by law.

The CHAIRMAN. Will some gentleman furnish the Chair with a copy of the law, so that the Chair may be informed.

Mr. TAYLOR of Ohio. We will obtain a copy of the law from the District Committee and send it to the Chair immediately.

Mr. MANN. The law provides for promotions, and if it did not, this would still be in order. Under the authority to appropriate there is authority to increase the number, whether the law provided for automatic promotions or not.

The CHAIRMAN. The Chair wishes to ascertain just what the law is.

Mr. TAYLOR of Ohio. The law classifies the policemen, and each year so many of them automatically move up from a lower grade to a higher grade. These increases are simply the result of the automatic moving up which is provided for in the law.

Mr. MANN. If there is any authority for a police force at all—and there is—there is authority for patrolmen, and there is no limitation of the number that may be appropriated for unless the law limits that number, and there is no law anywhere that does it.

Mr. JOHNSON of Kentucky. I contend, Mr. Chairman, that they can not be appropriated for unless there is a law permitting it to be done. On page 62, line 21, the number of privates is increased from 525 to 537.

Mr. MANN. If we have any authority to make appropriations for privates at all, we have authority to increase the number.

Mr. JOHNSON of Kentucky. Not until a law is passed authorizing an increase of the number.

Mr. TAYLOR of Ohio. Mr. Chairman, the committee take pleasure in acceding to the request of the Chair, and send to the desk a copy of the law organizing the police force. The law specifically creates a police force, provides for their salaries, and provides for automatic promotion after certain length of service. This law was passed at the time of the reorganization of the public schools and of the fire department. It is the organic law under which these appropriations are made, and they are a literal compliance with it.

Mr. COX of Indiana. Does that same law provide that certain lieutenants and privates shall be mounted?

Mr. TAYLOR of Ohio. There is a mounted squad appropriated for, by allowing them so much additional money for their own mounts, that they themselves own—a horse allowance.

The CHAIRMAN. The Chair will hear the gentleman from Kentucky [Mr. JOHNSON].

Mr. JOHNSON of Kentucky. Mr. Chairman, here is a provision, on page 62, in line 21, not for promotions, but for creating an additional number, increasing it from 525 to 537 privates.

Mr. BOWERS. Privates of class 3. The privates from class 2 move up to class 3 automatically, a certain number of them.

The CHAIRMAN. In order to make the matter clear, the Chair will cause to be read from the Clerk's desk the statute on the subject.

The Clerk read as follows:

Paragraph 2. The Commissioners of said District shall appoint to office, assign to such duty or duties as they may prescribe, and promote all officers and members of said Metropolitan police force according to such rules and regulations as said commissioners in their exclusive jurisdiction and judgment may from time to time make, alter, or amend: *Provided*, That original appointments of privates on said police force at the time this act takes effect shall be classified as follows: Class 1: Privates who have served under their present appointments less than three years shall be included in class 1, and at the expiration of three years from the date of said appointment shall be promoted to class 2, if the conduct and intelligent attention to duty of such privates shall justify such promotion. Class 2: Privates who have served under their present appointments more than three years and less than five years shall be included in class 2, and after the expiration of five years from the date of said appointment shall be promoted to class 3, if the conduct and intelligent attention to duty of such privates shall justify such promotion. Class 3: Privates who have served under their present appointment more than five years shall be included in class 3. All original appointments of privates shall be made to class 1, and promotions shall be made from class 1 to class 2 in order of appointment to the force after three years' service as privates of class 1, and from class 2 to class 3 after five years' service as privates of class 2, in all cases where the conduct and intelligent attention to duty of any private shall justify such promotion.

Paragraph 3. The said Metropolitan police force shall consist of 1 major and superintendent, who shall continue to be invested with such powers and charged with such duties as is provided by existing law; and also of 1 assistant superintendent, with the rank of inspector; 4 surgeons for the police and fire departments; 3 inspectors; 10 captains; 12 lieutenants, 1 of whom shall be harbor master; and such number of sergeants, and privates of class 3, privates of class 2, privates of class 1, mounted inspectors, captains, lieutenants, sergeants, and privates on horses and bicycles, and such others as said commissioners may deem necessary within the appropriations made by Congress: *Provided*, That the inspectors shall perform the duties at present required of captains in the force, that the captains shall command police precincts and perform such duty or duties in connection therewith as the laws and regulations of the said commissioners may prescribe: *And provided further*, That the said Metropolitan police force shall continue as at present constituted until the offices created hereby are filled and promotions are made by said commissioners as provided in this act.

The CHAIRMAN. The Chair will call the attention of the gentleman from Kentucky to the last paragraph read by the Clerk:

And such others as said commissioners may deem necessary within the appropriation made by Congress.

Now, the Chair has taken the pains to make the additions of those carried in last year's bill and of those in the present bill, and finds that they are just the same, if all the three classes named by the gentleman from Kentucky are included. In last year's bill there were 525 of class 3, 61 of class 2, and 73 of class 1. With the promotion seemingly provided for in the act just read, the Chair finds that in the present bill there are provided for 537 of class 3, 63 of class 2, and 59 of class 1, the total in each case, for last year and this year, being 659. The Chair is unable to see, although it is rather a complicated paragraph, anything in it that is not provided for by law, and therefore overrules the point of order.

Mr. JOHNSON of Kentucky. Mr. Chairman, I wish to call the attention of the Chair to the provisions of class 3; that is the lowest grade, and there the promotion begins.

Mr. GARDNER of Michigan. Mr. Chairman, has not the Chair ruled?

The CHAIRMAN. The Chair has ruled.

Mr. GARDNER of Michigan. Then let the Clerk read. I do not like to see this constant discussion of rulings after they have been passed upon by the Chair.

Mr. JOHNSON of Kentucky. I would like to ask the gentleman from Michigan if he desires to exclude the Chairman from giving an opinion on matters in the middle of his ruling.

Mr. GARDNER of Michigan. The Chair says that he has already ruled.

The Clerk read as follows:

FIRE DEPARTMENT.

Chief engineer, $3,500; deputy chief engineer, $2,500; 3 battalion chief engineers, at $2,000 each; fire marshal, $2,000; deputy fire marshal, $1,400; 2 inspectors, at $1,080 each; chief clerk, $1,800; clerk, $1,200; 37 captains, at $1,400 each; 38 lieutenants, at $1,200 each; superintendent of machinery, $2,000; assistant superintendent of machinery, $1,200; 23 engineers, at $1,150 each; 23 assistant engineers, at $1,100 each; 2 pilots, at $1,150 each; 2 marine engineers, at $1,150 each; 2 assistant marine engineers, at $1,100 each; 2 marine firemen, at $720 each; 38 drivers, at $1,150 each; 38 assistant drivers, at $1,100 each; 213 privates of class 2, at $1,080 each; 40 privates of class 1, at $960 each; laborer, $480; in all, $535,570.

Mr. COX of Indiana. Mr. Chairman, I make a point of order against this increase of salary in line 21, page 66. Last year the salary was $1,800.

Mr. TAYLOR of Ohio. That is an increase.

Mr. STEPHENS of Texas. Mr. Chairman, I hope the gentleman will withhold the point of order. This gentleman is a very efficient member of the fire department and a mechanical engineer, and in the Book of Estimates is this statement:

This increase is recommended in view of the valuable services rendered by this officer in keeping in repair and ready for immediate use the apparatus of the department. He is required to be on duty at all times during the day and night, and the District effects a considerable saving through his efficient work. This officer is a mechanical engineer and prepares plans and specifications for all work done in the department machine shop as well as for all apparatus purchased.

He is an efficient man and saves many times his salary during the year.

Mr. MANN. Did not this man have his salary increased last year?

Mr. STEPHENS of Texas. It was increased last year.

Mr. MANN. Does not the gentleman think that one increase a year is sufficient without coming back the next year for another increase? This man found it so easy under the persuasive eloquence of the gentleman from Texas last year that he now wants another boost. I think he has his nerve with him.

Mr. COX of Indiana. Who has his nerve?

Mr. MANN. The man who has the job. He got an increase last year. I remember the persuasive eloquence of my friend from Texas.

Mr. STEPHENS of Texas. He was entitled to an increase of $500 and he only got $200.

Mr. MANN. He got it so easy, now he comes back for another one this year. It seems to me that he ought to let it go two years without asking another increase.

Mr. STEPHENS of Texas. I am satisfied that if the gentleman from Illinois knew the man and the surrounding circumstances, he would not object.

Mr. MANN. Oh, I suppose if I knew him and was under the persuasive influence of the gentleman from Texas I would not, but fortunately I am not.

Mr. COX of Indiana. Mr. Chairman, I make the point of order.

Mr. GARDNER of Michigan. Mr. Chairman, we concede the point of order. It was put in simply on the merits of the case.

The CHAIRMAN. The Chair sustains the point of order.

Mr. GARDNER of Michigan. Now, Mr. Chairman, I move to amend the text of the bill by putting in "$1,800."

The amendment was agreed to.

The Clerk read as follows:

HEALTH DEPARTMENT.

Health officer, $4,000; assistant health officer, who shall be a physician, and during the absence or disability of the health officer shall act as health officer and discharge the duties incident to that position, $2,500; chief clerk and deputy health officer, $2,500; clerk, $1,400; 5 clerks, 2 of whom may act as sanitary and food inspectors, at $1,200 each; 3 clerks, at $1,000 each; clerk, $720; chief inspector and deputy health officer, $1,800; assistant chief inspector, $1,600; 14 sanitary and food inspectors, at $1,200 each; 2 inspectors, at $1,000 each; 2 inspectors, at $900 each; sanitary and food inspector, who shall be a veterinary surgeon and act as inspector of live stock and dairy farms, $1,200; inspector of dairies and dairy farms, $1,000; 5 sanitary and food inspectors, who shall be veterinary surgeons, at $1,000 each; 5 sanitary and food inspectors, to assist in the enforcement of the milk and pure-food laws and the regulations relating thereto, at $900 each; sanitary and food inspector, who shall also inspect dairy products and shall be a practical chemist, $1,800; messenger and janitor, $600; skilled laborer, $600; driver, $600; pound master, $1,200; laborers, at not exceeding $50 per month each, $3,000; in all, $63,620.

Mr. CARY. Mr. Chairman, I move to strike out the last word. I think this department, Mr. Chairman, needs a cleaning up, and if they would turn their eyes upon themselves they might be doing the community a great service. I therefore wish to introduce this resolution and have it read in my time.

Mr. MANN. The gentleman means read for information?

Mr. CARY. Read for information as a part of my remarks.

Mr. MANN. I make the point of order that the gentleman can not introduce the resolution.

Mr. CARY. To have it read for information.

Mr. MACON. The gentleman desires to have it read in his time.

The CHAIRMAN. Without objection, the Clerk will read the document in the gentleman's time.

The Clerk read as follows:

Resolved, etc., That whereas the Dairymen's Association of the District of Columbia, Maryland, and Virginia, composed of men who produce for and sell milk in the District of Columbia, has been vexatiously handicapped and interfered with in the conduct of its business in said District because of the assumption of unauthorized powers and of the pernicious activity of the health department of the District of Columbia in dealing with said association and its members; and

Whereas the said health department is exercising and has exercised authority in no wise authorized or conferred by any act of Congress, and a great injustice has been done the members of the Dairymen's Association; and

Whereas there is and has been no sympathy or cooperation between the said Dairymen's Association and the said health department, and that the enforcement of the law relating to the sale of milk and cream in the District of Columbia has been marked by ignorance and incompetency on the part of the said health department, and that the present method of enforcing the law by said department is in total disregard of

authority conferred by said law upon said department as well as in violation of the rights of the dealers in and producers of milk; and

Whereas the administration of the said health department and its attempted regulation of the sale of milk in said District has been marked by animus rather than justice to the milk dealers, and the laws have not been equitably and impartially enforced with uniformity against all dealers alleged to have violated said law; and

Whereas the department has failed to adopt proper methods for the collection of samples of milk upon its arrival at the stations in the District of Columbia, and has failed to properly supervise the milk supply upon its arrival at said station, they have not only caused the dairymen to bear the burdens of any adulterations which might be practiced before said supply comes into their possession, but they have exposed the health of the community to the menace incident to adulterations possible by reason of such failure to adopt proper methods of inspection at such times and places; and

Whereas the health department, in violation of law, has refused to issue permits to ship milk into the District of Columbia where permits should have been issued, and has attempted, without authority of law, to establish a bacterial standard for milk offered for sale in the District of Columbia, and is violating the law of Congress relative to the supervision of the shipment of milk into said District; and

Whereas the said Dairymen's Association has made repeated efforts to have the Commissioners of the District of Columbia investigate the charges and complaints as set forth in the foregoing preamble and to take such necessary action with respect to said complaints as would insure to the said association and its members reasonable regulation as provided by law and a just consideration at the hands of the said health department, and have failed in their efforts to secure such an investigation or to bring about such needed regulation as the law authorizes and as justice demands: Now, therefore, be it

Resolved, That a special committee, consisting of five members, be appointed to investigate all the complaints or grievances set forth or referred to in the preamble to this resolution and any or all other complaints or charges that might be made manifest during such authorized investigation, and that it be given full authority to call for and compel the attendance of witnesses and call for and compel the production of documents, and to report to this House such measure as, in its opinion, the said investigation suggests as necessary and proper to correct any abuses and injustices that may be found to exist in the said health department of the District of Columbia, as well as to prevent the exercise of any assumed authority or authority not expressly conferred by any act of Congress or by any law in force in the District of Columbia relating to the sale of milk or pure food.

Mr. CARY. Mr. Chairman, I wish to have the following printed in the RECORD right after this, being a letter from the chairman of the executive committee of the Dairymen's Association of the District of Columbia, Maryland, and Virginia.

Mr. BUTLER. Mr. Chairman, I do not understand those resolutions. Were they prepared by some society?

Mr. CARY. By the dairymen and by myself.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to have his remarks extended in the RECORD in the manner indicated. Is there objection?

Mr. MANN. Let us know what it is all about.

Mr. CARY. It is pertaining to the same thing, following up the same proposition.

The CHAIRMAN. Is there objection to the gentleman extending his remarks in the RECORD in this way? [After a pause.] The Chair hears none. The time of the gentleman has expired.

The letter referred to is as follows:

THE DAIRYMEN'S ASSOCIATION OF THE DISTRICT OF COLUMBIA, MARYLAND, AND VIRGINIA,
Washington, D. C., December 8, 1910.

The honorable COMMISSIONERS DISTRICT OF COLUMBIA:

By direction of the executive committee of the Dairymen's Association of the District of Columbia, Maryland, and Virginia, I am authorized and directed to file with the District Commissioners a recapitulation of certain charges made by the association, relative to the actions of the health officer, together with other charges, as a result of information more recently brought to our attention. The charges in chronological order are, in effect:

First. That the health officer had refused to issue permits to ship milk into the District of Columbia when, by force of the law, he should have done so.

Second. That in the absence of law or regulation the health officer had attempted to establish a bacterial standard for milk offered for sale in the District of Columbia.

Third. That the health officer had, in our opinion, evidently attempted to mislead the commissioners by making misstatements to them.

The next and fourth charge is that the health officer, by his own confession, is daily and knowingly violating the law of Congress relative to the supervision of the shipment of milk into the District of Columbia.

Fifth. That as a result of charge fourth, if capable of substantiation, the health officer is violating his sworn oath of office. To sustain charge first, we wish to say full proof should be found in the public records of the health department in the form of applications for permits by producers to ship milk into the District, but not granted. If such proof is not to be found, as indicated, then we would offer statements in the health officer's letter, L. S. 149588, and state in connection with admissions therein found that the law clearly meant and intended that action should be taken in reasonable time—either to grant or reject—and not to run for three years or more, as has been the case in some instances; so, by the health officer's evasive way, we believe the commissioners have been thus misled as well as by what we think are actual misstatements. As to the claim that "no hardship whatsoever has been worked on them in this procedure," we simply submit that such statements are clearly a subterfuge and unworthy honorable consideration, because they are evidently misleading inasmuch, as a matter of course, most men of ordinary business intelligence would not invest their money so unreservedly under such uncertain policies as they might reasonably be expected to do under more staple and reasonable procedure. Further citations by the health officer relative to the communicability of bovine tuberculosis to human beings, as "brought out at a recent meeting (on May 2 and 3, 1910) of the National Association for the Study and Prevention of Tuberculosis," only goes to accelerate the evident desire of the health officer to further mislead the commissioners, inasmuch as nothing new or startling, comparatively speaking, can be found in the resolutions referring to such contagion. In fact, the resolution very materially weakens former radical claims and is as follows:

"*Resolved*, That, in the opinion of this association, it has been proven, apparently, that a small percentage of the cases of nonpulmonary human tuberculosis, especially tuberculosis of the lymph nodes in children under 5 years of age, is due to infection by tubercle bacilli of bovine origin."

To sustain charge second we would refer the commissioners to copies of summonses, which should be found in the health-office records, issued to both producers and dealers to appear before the health officer and show cause why milk claimed to have been sold by them contained so-called excessive numbers of bacteria. In their answer to this charge, made by the commissioners through their secretary, Dr. Tindall, we are told the action of that officer (meaning the health officer) was merely intended to exclude from consumption in the District milk produced either under filthy conditions or kept at too high a temperature or too long, the bacterial content of which has been considered only so far as it is evidence of those conditions. Such representation by the health officer to the commissioners again shows the evident attempt of that officer to mislead the commissioners, inasmuch as said health officer has neither law, regulation, nor authority of any kind whatsoever to determine, specify, or control the temperature or age at which milk shall or shall not be sold, and if such an examination could be taken as proof that the milk had been produced or kept under filthy conditions he has ample authority to prevent its sale, and should have done so had he obeyed his instructions by law. The animus of the health officer and a most palpable contradiction to his recent public remarks as to the honesty and integrity of the persons engaged in the dairying business in general in this locality is clearly shown in his letter under date of July 15, 1910, in which he is made to say:

"I fully appreciate the reasons that lead the producers and vendors of filthy, decomposed, and putrid animal substances, which they offer for sale as food, in objecting to any investigation by the health department that will disclose to the public the character of the goods that they are producing and selling, or that will lead to prosecution."

Such unwonted and unwarranted charges against members of this association is a slanderous outrage for which the health officer should be made to apologize and then be removed from further supervision of the business. We are glad to note, in the same communication of the commissioners, herein referred to, that they realize our association does not approve of vending milk that is filthy or decomposed or kept at too high a temperature; and again, we have to thank the commissioners for such acknowledgment in the face of such slanderous charges by the health officer. Should further proof as to charge second be necessary we will produce the men affected and have them testify under oath. Relative to the statement (and acknowledgment of our charge) in which the health officer says:

"In cases where such examinations (bacterial) showed that the milk was either produced under filthy conditions or had been kept at too high a temperature, or had been kept too long, or that two or all of these conditions had existed, the producer or vendor has been cited to show that the examination was in some way at fault."

This, it must be obvious, would be an utter impossibility on the part of the accused party and would be a procedure not countenanced by any competent court in the land. The law plainly says no milk shall be shipped into the District of Columbia without a permit so to do from the health officer, making exception only of the producer to ship pending the consideration of his application, which, as a matter of course, or implication must be in a reasonable time, lest there would be no protection to the public. This same law also further provides that even though a permit shall have been issued, the health officer may suspend or revoke at any time such permit when the dairy or dairy farm is exposed to various infectious diseases, among others being tuberculosis. It will be recalled that, although the health officer claims to have reached his determinations as to the necessity for the tuberculine test from the findings of the National Association for the Study and Prevention of Tuberculosis (held only last May), he actually suspended the issuance of permits on that account (acknowledged in his letter to the commissioners) more than three years ago, thus another glaring attempt to mislead the commissioners. Charge third, is, we think, fully sustained in references appearing above and offered in support of our contentions in charge second, and further comment is therefore perhaps unnecessary, except possibly to call the attention of the commissioners to representations of the health officer relative to his attempt to enforce the tuberculine test and his statements relative thereto in the Martin-Carlin hearing.

Charge fourth, we think, beyond possibility of doubt, is fully sustained, as indicated by the health officer's own confession, found in letter L. S. 145988, in which he says:

"Under the law no person can send milk into the District of Columbia without a permit from the health officer." And further in this same letter we are told: "While no permits have been granted (for three years, mind you) none have been refused."

Under these conditions, we ask, Is the law being obeyed? Most certainly not, for the milk is coming, when the law says it shall not. There is nowhere in the law any possible authority conferring upon the health officer a right to issue temporary permits (three or more years). The only authority of that nature is reserved to Congress itself, and provides that by its own action the producer shall have certain temporary rights.

Charge fifth is evidently sustained, if, as we claim in charge fourth, the health officer by his confession (see again letter L. S. 149588) is permitting milk to be shipped into the District from farms that have no permit so to do; and if this be true, it necessarily follows from the nature of the oath of office which the health officer is compelled to subscribe to that he is violating that oath daily and must of necessity know so, as is most apparent from his own acknowledgments.

We further submit for the consideration of the commissioners that if, as per the representation of the health officer to them, he has the authority of law to prevent the shipment of milk into the District which in his opinion is detrimental to public health, and he is on record as saying, in his opinion, milk from a herd not having undergone the tuberculin test is dangerous to public health, and that death, in his opinion, has been caused within the past year by the consumption of milk from such herds, is he not particeps criminis, or even worse, wholly, even though indirectly responsible for such deaths? This analogy to be considered from his own admissions. This association will very much appreciate an early and thorough consideration of the

matters herein presented, and respectfully requests to be advised of the commissioners' finding at their earliest convenience.

Respectfully, A. S. TRUNDLE,
Chairman Executive Committee.

Mr. FOSTER of Illinois. Mr. Chairman, I move to strike out the last two words. I listened with some interest to the reading of the protest or resolutions from the dairymen's association of somewhere—I do not get the place—in reference to the sale of milk. I suppose that the dairymen's association or the people who are supplying milk to the city of Washington have come in contact with some rules, regulations, and laws in reference to the conduct of dairies and the sale of milk.

Mr. MANN. Will the gentleman yield?

Mr. FOSTER of Illinois. Yes.

Mr. MANN. Does not the gentleman think that the resolutions presented would be something like a number of gentlemen who are confined in jail getting together and passing resolutions against the enforcement of the criminal laws of the country?

Mr. FOSTER of Illinois. I think that is so.

Mr. MANN. Very much the same thing, and I think everybody understands it.

Mr. FOSTER of Illinois. What I wanted to say was this, that I do not want this protest to go unnoticed, because I am firm in the belief that there ought to be a most rigid inspection of all dairies and dairy products.

Mr. BUTLER. Will the gentleman yield?

Mr. FOSTER of Illinois. Yes.

Mr. BUTLER. Did the gentleman from Illinois learn how many dairymen had joined in this resolution?

Mr. FOSTER of Illinois. No; I did not.

Mr. BUTLER. I intended to ask the question of the gentleman who presented them, but I do not see anyone here to answer the question.

Mr. FOSTER of Illinois. Mr. Chairman, there has been a good deal of contention in reference to the inspection of milk and of dairies. It might be a financial loss to some dairyman to have his cow condemned because she is diseased, and when he is supplying milk to the people of the District of Columbia.

Mr. BUTLER. What he would lose the doctor would make, let me suggest to the gentleman.

Mr. FOSTER of Illinois. I did not hear the gentleman.

Mr. BUTLER. What each farmer would lose the doctor would make.

Mr. MANN. If the farmer did not lose the doctor would gain.

Mr. FOSTER of Illinois. Well, I will say I do not believe there is a doctor in the country who wants to gain money in that way. [Applause.] If there is such a man in the medical profession, he ought to be driven out.

Mr. COX of Indiana. He is not in Congress.

Mr. FOSTER of Illinois. And I hope he is not in Congress.

Mr. BUTLER. If he is, we will put him out.

Mr. FOSTER of Illinois. I am with you on that.

The CHAIRMAN. The pro forma amendment will be considered as withdrawn.

There was no objection.

Mr. CARLIN. Mr. Chairman, I move to strike out the last word. I desire to ask the chairman of the committee, the gentleman in charge of this bill, How much new matter is in this paragraph?

Mr. MANN. There is not any new matter in it.

Mr. CARLIN. How much increase of salary is included in this paragraph?

Mr. MANN. No new matter in it at all.

Mr. COX of Indiana. And there is no increase of salary?

Mr. GARDNER of Michigan. There is no new matter; there is a reduction in amount.

Mr. CARLIN. What salaries are increased in this paragraph?

Mr. BOWERS. No salaries are increased. One is reduced from $1,500 to $1,200.

Mr. CARLIN. I congratulate the committee if that is the case, and I further congratulate the committee upon the fact that there does not seem to be any legislation in this paragraph.

The Clerk read as follows:

For the enforcement of the provisions of an act to prevent the spread of contagious diseases in the District of Columbia, approved March 3, 1897, and an act for the prevention of scarlet fever, diphtheria, measles, whooping cough, chicken pox, epidemic cerebro-spinal meningitis, and typhoid fever in the District of Columbia, approved February 9, 1907, and an act to provide for registration of all cases of tuberculosis in the District of Columbia, for free examination of sputum in suspected cases, and for preventing the spread of tuberculosis in said District, approved May 13, 1908, under the direction of the health officer of said District, including salaries or compensation for personal services not exceeding $10,000 when ordered in writing by the commissioners and necessary for the enforcement and execution of said acts, purchase and maintenance of necessary horses, wagons, and harness, rent of stables, purchase of reference books and medical journals, and maintenance of quarantine station and smallpox hospital, $24,500: *Provided*, That any bacteriologist employed and paid under this appropriation may be assigned by the health officer to the bacteriological examination of milk and of other dairy products and of the water supplies of dairy farms, whether such examinations be or be not directly related to contagious diseases.

Mr. CARLIN. Mr. Chairman, I reserve the point of order. I want to ask the gentleman in charge of this bill whether the proviso on page 70, line 18, is not entirely new matter.

Mr. MANN. No.

Mr. GARDNER of Michigan. I will say to the gentleman there is no new matter in this paragraph.

Mr. CARLIN. I am sure the gentleman does not want to state a thing that is incorrect——

Mr. GARDNER of Michigan. No.

Mr. CARLIN (continuing). But from the reading of the proviso it is perfectly apparent it is a new provision.

Mr. BOWERS. It is word for word the language of the old bill.

Mr. GARDNER of Michigan. And I hope the gentleman from Virginia will concede his error for the RECORD.

Mr. CARLIN. I will if I am mistaken. Is there anything new in the paragraph?

Mr. GARDNER of Michigan. I said "No."

The CHAIRMAN. The point of order will be considered as withdrawn.

There was no objection.

The Clerk read as follows:

For contingent expenses incident to the enforcement of an act to regulate the sale of milk in the District of Columbia, and for other purposes, approved March 2, 1895; an act relating to the adulteration of foods and drugs in the District of Columbia, approved February 17, 1898; an act to prevent the adulteration of candy in the District of Columbia, approved May 5, 1898; an act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes, approved June 30, 1906, and for the purchase and maintenance of a package motor cycle, $1,000.

Mr. CARLIN. Mr. Chairman, reserving the point of order, I want to inquire if this motor cycle is not a new proposition.

Mr. MANN. No; there is nothing new in that paragraph.

Mr. CARLIN. This says, "for the purchase and maintenance of a package motor cycle, $1,000."

Mr. MANN. Yes; but the item is not new; they may not have purchased one.

Mr. CARLIN. But they may if they get the money. I make the point of order this is new legislation, "for purchase and maintenance of package motor cycle, $1,000," on page 72, line 5.

Mr. MANN. If they have one now, why not make it for maintenance?

Mr. CARLIN. I suggest to the gentleman in charge of the bill that he strike out the word "purchase." I have no objection to the maintenance of the present machine, if they have one.

Mr. GARDNER of Michigan. Mr. Chairman, the law now authorizes the purchase and maintenance of a package motor cycle, $1,000. The committee is not advised whether the purchase has yet been made, and it is carried to cover that provision.

Mr. COX of Indiana. What is a package motor cycle?

Mr. TAYLOR of Ohio. One of those things with a box in front where they can put packages.

Mr. COX of Indiana. Then it is in the nature of an automobile.

Mr. CARLIN. Mr. Chairman, I will reserve the point of order if the gentleman will strike out the word "purchase."

Mr. GARDNER of Michigan. I have no objection to that. They have money until the 30th of June to purchase it.

Mr. CARLIN. Mr. Chairman, I desire to strike out the words "purchase and."

The CHAIRMAN. The gentleman from Virginia withdraws the point of order——

Mr. COX of Indiana. Mr. Chairman, I renew the point of order if the gentleman withdraws it.

Mr. GARDNER of Michigan. If the motor cycle has been purchased, we have no objection to the word "purchase" being stricken out——

Mr. MANN. They have until the 30th of June to purchase.

Mr. GARDNER of Michigan. If the gentleman from Illinois will permit, I was just going to say they have until the 30th of June to make the purchase. I have no objection to the amendment offered by the gentleman from Virginia.

Mr. COX of Indiana. Well, I make the point of order against the paragraph, Mr. Chairman.

The CHAIRMAN. Against the paragraph?

Mr. COX of Indiana. Against that part of the paragraph which says "purchase and maintenance of a package motor cycle, $1,000." It is legislation on an appropriation bill.

The CHAIRMAN. Does the gentleman from Indiana mean to cover the entire appropriation by his point of order?

Mr. GARDNER of Michigan. Mr. Chairman, we concede the point of order against the words "purchase and;" the rest is simply existing law.

Mr. COX of Indiana. I understood the gentleman to say a moment ago that as yet they have not purchased it.

Mr. GARDNER of Michigan. I said I did not know. It does not appear the purchase has been made, but it is authorized, and, as the gentleman from Illinois has said, and to which I endeavored to call attention, they have until the 30th of June, under existing law, to make the purchase.

Mr. CARLIN. Mr. Chairman, I desire to call the gentleman's attention, if the gentleman will permit me, to the paragraph which follows that, which also provides for a motor vehicle or horses for the use of the health officer and his assistants. That may cover the object the gentleman desires.

Mr. GARDNER of Michigan. Let us have one thing at a time.

Mr. CARLIN. I wanted to call your attention to the fact that it is covered in both paragraphs.

Mr. TAYLOR of Ohio. This motor cycle is for the purpose of carrying disinfectants. It is carried in previous acts, and we have until June to purchase it if it is not already purchased.

The CHAIRMAN. The gentleman from Indiana makes the point of order against the following language:

For the purchase and maintenance of a package motor cycle.

The Chair sustains the point of order.

Mr. GARDNER of Michigan. I do not know the ruling of the Chair.

The CHAIRMAN. The Chair understands the point of order was made against the language "package motor cycle."

Mr. GARDNER of Michigan. I did not understand the gentleman from Indiana [Mr. Cox]. I would like to inquire if the gentleman from Indiana makes the point of order against the maintenance of the package motor cycle that has already been purchased, or which may be purchased, before the 1st of June next?

Mr. COX of Indiana. I do not know whether it has been purchased or not. That is what I am trying to elicit from the gentleman in charge of the bill.

The CHAIRMAN. The Chair will call the attention of the gentleman to the fact that the point of order has been sustained and that the language has been stricken out of the bill.

Mr. GARDNER of Michigan. Mr. Chairman, I move to insert on page 72, line 4, after the word "six:"

And for the maintenance of a package motor cycle.

Mr. COX of Indiana. Mr. Chairman, I reserve a point of order on that.

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

The Clerk read as follows:

Page 72, line 4, after the word "six" insert "and for the maintenance of a package motor cycle."

The CHAIRMAN. The gentleman from Indiana [Mr. Cox] makes a point of order against the amendment.

Mr. COX of Indiana. I want to elicit some information from the gentleman.

The CHAIRMAN. Does the gentleman from Indiana reserve the point of order?

Mr. COX of Indiana. I do not want to be tenacious as to this item, but I want to get the record straight, at least in my own mind. What does the gentleman say now as to whether or not there is any package motor cycle to which this maintenance would apply now in existence?

Mr. TAYLOR of Ohio. There was in the last appropriation bill an authorization for the purchase of a package motor cycle at a certain cost.

Mr. COX of Indiana. That was in the bill a year ago?

Mr. TAYLOR of Ohio. Under the present appropriation that runs to June 30 next.

Mr. JOHNSON of Kentucky. Now, Mr. Chairman——

Mr. TAYLOR of Ohio. Just one at a time. I am answering the gentleman from Indiana [Mr. Cox]. The committee wishes now simply to provide for the oncoming year for the maintenance of the motor cycle which is authorized to be purchased, but whether it has been purchased or not I am not able to say, but it can be purchased under the money already appropriated at any time up to June 30 next, and if it is purchased, we want the item for maintenance provided for.

Mr. COX of Indiana. That clears up the record, so far as I am concerned.

The CHAIRMAN. Does the gentleman from Indiana [Mr. Cox] withdraw the point of order?

Mr. COX of Indiana. Wait a minute. I would like to have the amendment reported again.

The CHAIRMAN. The Clerk will read the amendment.

The amendment was again reported.

Mr. COX of Indiana. Now, Mr. Chairman, under the statement made by the gentleman from Ohio [Mr. TAYLOR], it is apparent that the money has heretofore been appropriated for this package motor cycle. Whether it has been bought or not, I do not know.

Mr. TAYLOR of Ohio. Neither do I.

Mr. COX of Indiana. If it has been bought, it ought to be maintained.

Mr. BOWERS. It has not been bought. I could give you the facts, if you will let me.

Mr. COX of Indiana. I yield to the gentleman from Mississippi.

Mr. BOWERS. I read from pages 151 and 152 of the Book of Estimates for the bill as reported by the subcommittee to the committee, as follows:

NOTE.—The item in the appropriation act as originally drafted by the health officer provided for "the purchase and maintenance of a horse, vehicle, and harness." In the course of the enactment of the appropriation act it was changed so as to read: "For the purchase and maintenance of a package motor cycle." In the same estimates in which this item was submitted by the health officer there were included two items relative to the chemical laboratory—one for the equipment of the laboratory, $2,000; and one for the maintenance of the laboratory, $500. It was believed that if special provisions were made for the equipment and maintenance of the chemical laboratory then that the appropriation from which the laboratory had theretofore been equipped and maintained would be sufficient to permit the purchase and maintenance of a horse, harness and vehicle or even the purchase of a motor cycle. When the appropriation bill was passed, however, no provision was made for the equipment and maintenance of the chemical laboratory other than such as embodied in this item, and therefore the amount appropriated by this item has not been sufficient to permit the purchase and maintenance of the proposed motor vehicle. So, during the coming year, it will be impossible to purchase and maintain a motor vehicle from this appropriation unless special provision be made for the equipment and maintenance of the chemical laboratory quite independent of the money appropriated in the item now under consideration.

Mr. COX of Indiana. According to that statement they never made the purchase.

Mr. BOWERS. That is why I read the note.

Mr. TAYLOR of Ohio. That is why they include the word "purchase" in the pending bill.

Mr. JOHNSON of Kentucky. But you are contradicting yourself.

Mr. TAYLOR of Ohio. I had only read this provision of the former act.

Mr. COX of Indiana. I insist upon the point of order, Mr. Chairman.

The CHAIRMAN. The committee will bear with the Chair. The Chair would like to ascertain the law which the gentleman from Ohio referred to.

Mr. TAYLOR of Ohio. What I read to the Chair authorizing the purchase was in the appropriation act.

Mr. JOHNSON of Kentucky. I will say to the Chair, it is on page 3 of the act, which I believe the Chair has in his hand, on the top of the page.

Mr. TAYLOR of Ohio. It was the appropriation act of last year, 1911; and under that act authority is given for the purchase and maintenance.

The CHAIRMAN. In the current appropriation act there appears the language "and for the purchase and maintenance of a package motor cycle." The Chair has no way of determining whether this law has been complied with, or what has been done under this law, and does not understand that it is necessary for him to go into that question. The appropriation was made, and the authorization granted by Congress for the purchase of a package motor cycle. This amendment seeks to make an appropriation for the maintenance of the motor cycle. Upon the law as it stands, the Chair will be compelled to assume that that law has been complied with, that a motor cycle had been purchased, and that this appropriation is for the maintenance of that motor cycle.

Mr. COX of Indiana. Will the Chair listen before ruling?

The CHAIRMAN. The Chair will hear the gentleman.

Mr. COX of Indiana. I think the Chair would probably be justified in coming to the assumption that it had been purchased, but the statement read by the gentleman from Mississippi shows that it has not yet been purchased.

The CHAIRMAN. Then, the appropriation would have no effect. If there is no motor cycle upon which the money can be expended for maintenance, then the appropriation could not be used, and the money will remain in the Treasury.

Mr. JOHNSON of Kentucky. I would like to be heard.

Mr. TAYLOR of Ohio. Has the Chair ruled?

The CHAIRMAN. The Chair had started to make his ruling, but permitted the gentleman from Indiana to interrupt.

Mr. JOHNSON of Kentucky. Will the Chair hear me?

The CHAIRMAN. The Chair will hear the gentleman from Kentucky.

Mr. JOHNSON of Kentucky. The appropriation bill of last year provided for the purchase and maintenance of a package motor cycle. Now, the gentleman from Ohio says that they may yet purchase one between now and the 1st of June, and this appropriation bill which is now being considered also contains a provision for the purchase of a motor cycle. That is another one.

The CHAIRMAN. It does not contain it now. That language was stricken out. The Chair overrules the point of order. The question is on agreeing to the amendment.

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

The Clerk read as follows:

For the destruction of rats, to be expended in such manner as the commissioners may deem proper, $500.

Mr. FOSTER of Illinois. I move to strike out the last word. Has this been carried in a previous appropriation bill?

Mr. JOHNSON of Kentucky. No, sir.

Mr. FOSTER of Illinois. What is the intention? To exterminate rats in the District of Columbia, or is it made from a medical standpoint?

Mr. MANN. From a medical standpoint.

Mr. TAYLOR of Ohio. These rats are not only destructive, but very injurious. This paragraph comes well recommended from the health department of the District, and approved by most of the citizens, who would like to see some experiments tried in the matter.

Mr. COX of Indiana. Why not provide for the extermination of mice?

Mr. TAYLOR of Ohio. Well, if we get something that will kill rats, it will probably kill a mouse or two.

The Clerk read as follows:

Courts: For amount required to pay the reporter of the court of appeals of the District of Columbia for volumes of the reports of the opinions of said court, authorized to be furnished by him under section 229 of the Code of Laws for the District of Columbia as amended July 1, 1902, 22 volumes, at $5 each, namely, 11 copies each of volumes 36 and 37, $110.

Mr. GARDNER of Michigan. Mr. Chairman, I desire to offer the following amendment.

The Clerk read as follows:

Page 73, after line 19, insert:

"Probation system: For probation officers, supreme court, District of Columbia, $1,800; probation officer, police court, District of Columbia, $1,500; assistant probation officer, police court, District of Columbia, $1,200; contingent expenses, $500; in all, $5,000."

Mr. COX of Indiana. I reserve the point of order. I want some information on that.

Mr. GARDNER of Michigan. Mr. Chairman, the act creating these officers also provided for their payment in the current law this year, but no provision for the payment hereafter. The law exists and the amount is stipulated which the officers shall receive.

Mr. COX of Indiana. When was that law passed?

Mr. GARDNER of Michigan. June 25 last.

Mr. BOWERS. Why was not that called to the attention of the committee?

Mr. GARDNER of Michigan. It was called to the attention of the committee, but at the time it was thought we were not required to make the appropriation, that it was optional with the committee, and we decided not to appropriate for it.

Mr. COX of Indiana. Do you use the word "hereafter" in the amendment?

Mr. GARDNER of Michigan. Oh, the law has already been passed, and as it exists we have to provide for it.

Mr. COX of Indiana. But for some reason or other the committee did not make the appropriation.

Mr. GARDNER of Michigan. Yes; we labored under the apprehension that it was optional with the committee and made no provision. We find now that by law it is mandatory.

Mr. COX of Indiana. The gentleman's amendment fixes the salaries the same as fixed in the organic act creating these offices?

Mr. GARDNER of Michigan. Yes.

Mr. COX of Indiana. I withdraw the point of order.

Mr. COOPER of Wisconsin. The gentleman says this is mandatory. These offices were established by statute?

Mr. GARDNER of Michigan. Yes; and the salaries were fixed.

Mr. MANN. We are not required to make the appropriation.

Mr. COOPER of Wisconsin. I did not understand that there was any statute of this kind that gave any officer a vested right in a salary that we were bound to provide for. On the contrary, I understand the law to be the other way.

Mr. HULL of Iowa. But if the office is filled, and Congress fails to make an appropriation, has not the officer a good case in the Court of Claims?

Mr. COOPER of Wisconsin. Have they been appointed for another year?

Mr. HULL of Iowa. They have been appointed, and their terms of office have not expired.

Mr. COOPER of Wisconsin. For how long a term are these men appointed?

Mr. TAYLOR of Ohio. The law provides—

That the supreme court of the District of Columbia in general term may appoint one probation officer, at a salary of $1,800 per annum, and as many volunteer assistant probation officers, male or female, as occasion may require; and that the police court of the District of Columbia may appoint one chief probation officer, at a salary of $1,500 per annum, and one assistant probation officer, at a salary of $1,200 per annum, and as many volunteer assistant probation officers, male or female, as occasion may require. All such probation officers and assistants shall be appointed for a term of two years and may be removed by the respective courts appointing them. All such volunteer probation officers shall service without compensation, and shall have such powers and perform such duties as may be assigned to them by said courts.

Mr. COOPER of Wisconsin. I understand, then, that they are appointed for two years. They are now in their first year, are they?

Mr. TAYLOR of Ohio. Evidently.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Michigan [Mr. GARDNER].

The amendment was agreed to.

The Clerk read as follows:

Writs of lunacy: To defray the expenses attending the execution of writs de lunatico inquirendo and commitments thereunder in all cases of indigent insane persons committed or sought to be committed to the Government Hospital for the Insane by order of the executive authority of the District of Columbia under the provisions of existing law, including the employment of an alienist at not exceeding $1,000 per annum, $2,800.

Mr. MANN. I make the point of order against that part of the paragraph in lines 7 and 8—

Including the employment of an alienist at not exceeding $1,000 per annum—

as not being authorized by law.

The CHAIRMAN. The gentleman from Illinois makes a point of order against the language indicated. The Chair would like to hear the gentleman from Illinois on the point of order.

Mr. MANN. There is no authority for the employment of an alienist under the law.

Mr. COX of Indiana. What does he do, anyhow?

Mr. MANN. Oh, of course he would be a professional witness, I suppose, and so forth, in these insanity cases.

Mr. TAYLOR of Ohio. He would go out and examine alleged lunatics.

Mr. MANN. That is what I said; that he would be a professional witness in insanity cases.

Mr. CARLIN. An expert on the insanity of other people.

Mr. TAYLOR of Ohio. I will read from the hearings the reasons which actuated the committee to insert this item.

Mr. MANN. Oh, I make the point of order on it.

Mr. TAYLOR of Ohio. The gentleman does not care, then, to have the hearings read?

Mr. MANN. The gentleman is familiar with the hearings of the committee.

The CHAIRMAN. The Chair will hear the gentleman on the point of order.

Mr. TAYLOR of Ohio. I do not care to say anything on the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. HULL of Iowa. Mr. Chairman, I move to strike out the "two" and insert "one," so that it will read "eighteen hundred dollars." If we exclude the $1,000 for the alienist, if the $1,000 goes out, it is only necessary to have $1,800.

Mr. BOWERS. Oh, yes, it is; the money is all expended for hiring a man at $5. The proposition was to employ one by the year instead of occasional employment.

Mr. MANN. It was proposed to employ some medical student.

Mr. HULL of Iowa. Very well; I will withdraw the amendment.

The Clerk read as follows:

Court of appeals building, District of Columbia: For the following force, necessary for the care and protection of the court of appeals building: Two watchmen, at $720 each; 1 elevator operator, at $720; 2 laborers, at $480 each: *Provided*, That the clerk of the court of appeals shall be the custodian of said building, under the direction and supervision of the justices of said court; in all, $3,120.

Mr. COX of Indiana. Mr. Chairman, I move to strike out the last word in order to elicit some information, if I can. I see the expense for the maintenance of this building is $3,120. I would like to know how many people are occupying that build-

ing. I have heard by rumor, or otherwise, that there are only a few people occupying the building. What does the gentleman in charge of the bill say?

Mr. GARDNER of Michigan. I can not tell how many there are there, but not so many as was represented that it was urgently needed for.

Mr. COOPER of Wisconsin. In reply to the gentleman from Indiana I will say that I was informed the other day by the justice of another court that in that appellate court building there are but three justices. The building cost approximately $250,000. There are three men in it, and here is an appropriation of $3,000 for janitor service.

Mr. GARDNER of Michigan. For watchmen, janitors, and some other officers, and some of them do duty in two buildings instead of one.

Mr. COOPER of Wisconsin. There is only one court composed of three men. I had supposed, and I think that the majority of the House and Congress supposed, when the appropriation was made that the buildings when constructed would hold most of the courts in this city, except only the Supreme Court of the United States.

Mr. COX of Indiana. Are there any rooms there for other courts to occupy them?

Mr. COOPER of Wisconsin. I may be misinformed, but I am told not; that there was only room for three justices and no room for any more.

Mr. MANN. It was built for the court of appeals, and contains the clerk's office and other offices.

Mr. BOWERS. Mr. Chairman, the building was constructed by authority of law. Its size, its existence, are both accomplished facts. The question now before this committee is how much money it takes to care for a building of that size. I think if any gentleman will investigate the matter he will discover that it requires at least the amount of money proposed by this appropriation. Any criticism as to the size and character of the building is like locking the stable after the horse has been stolen.

Mr. COOPER of Wisconsin. Does not the gentleman from Mississippi understand that a majority of the Senate and the House, or a majority of the House at least, understood that the building when constructed was for the courts of the District?

Mr. BOWERS. To be perfectly frank with the gentleman, I do not remember the facts attendant on the passage of the bill.

Mr. MANN. No such bill passed the House. An item appropriating for it was inserted by the Senate in an appropriation bill.

Mr. COOPER of Wisconsin. But it was talked about in the House.

Mr. GARDNER of Michigan. I will say that the building was built and designed for the court of appeals.

Mr. MANN. And that court is the busiest court in the District of Columbia.

Mr. COX of Indiana. But a very expensive court as far as the building is concerned. Mr. Chairman, I withdraw the point of order.

Mr. BOWERS. Can the gentleman from Indiana point out any economy in this item which he would suggest?

Mr. COX of Indiana. I can not; I wish I could.

The Clerk read as follows:

Support of prisoners: For expenses for maintenance of jail prisoners of the District of Columbia at the Washington Asylum, including pay of guards and all other necessary personal services, and for support of prisoners therein, $40,840.

Mr. CARLIN. Mr. Chairman, I make the point of order against the paragraph that it changes existing law.

The CHAIRMAN. The gentleman from Virginia makes the point of order against the paragraph that it is not in accordance with existing law.

Mr. TAYLOR of Ohio. The Washington Asylum is an institution in existence and appropriated for for a number of years.

Mr. CARLIN. There is no such institution in existence. The facts are these: There is in existence an institution known as the Washington Asylum Hospital, but this is the beginning of a series of paragraphs in this bill all designed to destroy the existing law and existing institutions and rename them.

The CHAIRMAN. The Chair would like to inquire where the prisoners are kept at the present time.

Mr. CARLIN. In the Washington Asylum Hospital.

The CHAIRMAN. Is that the same place indicated in this paragraph?

Mr. CARLIN. This renames it the Washington Asylum, and it has new matter in one or two other lines. It changes the name from the Washington Asylum Hospital to the Washington Asylum.

The CHAIRMAN. The Chair would like to be furnished with the existing law.

Mr. GARDNER of Michigan. We have what is called the Washington Asylum, for which appropriations have been made for 32 years, a hospital and psychopathic ward and cells for prisoners all combined in one. Appropriations have been made for the maintenance and sustenance of these prisoners during these years. This is a continuation for the care of so many of these prisoners at the asylum as may be there at any one time.

The CHAIRMAN. Will the gentleman from Michigan enlighten the Chair as to why there has been a change of language as to the name of the place where these prisoners are confined?

Mr. TAYLOR of Ohio. Mr. Chairman, I find here in the appropriation act of 1879 an appropriation for the Washington Asylum, the same institution that is mentioned to-day. It has been appropriated for under that name, as far as I have been able to ascertain, ever since.

Mr. CARLIN. The gentleman has certainly not made very great effort to find out what the law is.

Mr. TAYLOR of Ohio. The gentleman has not pointed out any law to the contrary.

Mr. CARLIN. Under the rules of this House it is the gentleman's duty to point out the law.

Mr. TAYLOR of Ohio. I have just pointed out the law that calls it the Washington Asylum.

Mr. CARLIN. I will read it. In the last appropriation act, under the head of "Support of prisoners," appeared this paragraph:

Expenses for maintenance of the jail of the District of Columbia, including pay of guards and all other necessary personal services, and for support of prisoners therein, to be expended under the direction of the Attorney General.

The present paragraph strikes out that portion of the law and directs it to be expended under the direction of the Attorney General.

The CHAIRMAN. From what was the gentleman from Virginia quoting.

Mr. CARLIN. The appropriation act of last year, page 36—the current law.

Mr. MANN. Mr. Chairman, the existing appropriation law authorizes the support of prisoners under the direction of the Attorney General, but the law does not require that the prisoners shall be supported under the direction of the Attorney General. The law would clearly authorize us to support prisoners. I take it that it would not need any express law to be presented to the chairman to authorize an appropriation for the support of prisoners. We must either support prisoners or starve them to death.

Mr. CARLIN. I call the gentleman's attention to the fact that on March 5, 1872, Seventeenth United States Statutes, page 35, this was turned over to the Department of Justice.

Mr. MANN. Yes; but this does not change that law in the slightest degree.

Mr. CARLIN. This power was at that time transferred from the Interior Department.

Mr. MANN. But the question is in this appropriation. The item in the existing law reads:

For support, maintenance, and transportation of convicts transferred from the District of Columbia, to be expended under the direction of the Attorney General, $48,000.

That item would have been in order last year if you had stricken out the words "to be expended under the direction of the Attorney General."

If the law directed that it be expended under the direction of the Attorney General it was not necessary to insert it in the law. It is not necessary to put that item in then or now. If the law requires the money to be expended under the Attorney General, the law settles that.

If it does not require it, it certainly is not required to be inserted in the appropriation bill. Now, if we have the authority to pay the expenses of the maintenance of jail prisoners at all, the question is whether we have authority to maintain them at the Washington Asylum. The Washington Asylum is an institution maintained by the Government of the United States.

Mr. CARLIN. I beg the gentleman's pardon. There is no such institution. The gentleman can not show me any statutory authority for the organization of such an institution as the Washington Asylum.

Mr. MANN. Well, I did not say that I could. I said it was an institution maintained. In the appropriation of the current law, shortly following the item that is referred to under the head "reformatories and correctional institutions" is the Washington Asylum, with a large number of appropriations, amounting to one item of $39,000, another of $65,000, another of $2,000, $1,000, $2,000, and so forth. That is an institution

maintained by the Government, and we have the authority to maintain our prisoners there or to pay for them there if they are there under the law.

Mr. FOSTER of Illinois. Are these insane patients, I would like to inquire?

Mr. CARLIN. I would like to call the gentleman's attention to the fact that this is an effort to change all existing laws and all locations of the present institutions for criminals in the District of Columbia, and to do it in an appropriation bill.

It is true that the paragraph to which the gentleman refers following this one in this bill does also refer to the Washington Asylum, and I propose to make the same point of order when I come to that, but nowhere in the District of Columbia to-day, under the jurisdiction of the Federal Government, does there exist such an institution authorized by law as the Washington Asylum.

Mr. MANN. Well, I do not know whether it is authorized by law, but it exists and the Government is supporting it.

Mr. CARLIN. The gentleman has to show it here.

Mr. MANN. I have shown it here, and the fact that it exists. Now, my colleague [Mr. FOSTER of Illinois] asked me whether part of these people are insane prisoners. I understand that they are partly insane prisoners, and others who are suffering from alcoholism, and so forth.

Mr. FOSTER of Illinois. Is not that a proper place for them to go and be maintained?

Mr. MANN. That depends possibly upon the judgment of the House. It may be that the gentleman from Virginia would keep them on the street, herd them on the street, and make no provision for these people.

Mr. FOSTER of Illinois. I should think that would be a good place for them to go if they are insane prisoners.

Mr. CARLIN. This could be very easily remedied if the words "Washington Asylum" were stricken out and you should insert the words "Washington Asylum Hospital," which is now an institution, and we will have no difficulty here about the matter.

Mr. BUTLER. Will the gentleman from Virginia permit me to ask him a question?

Mr. CARLIN. Certainly.

Mr. BUTLER. There is an institution somewhere where these people have been kept?

Mr. CARLIN. Yes.

Mr. BUTLER. Will the gentleman please inform us where that institution is?

Mr. CARLIN. In the District of Columbia, and known as the Washington Asylum Hospital.

Mr. BUTLER. It is a building having a roof and four sides to it?

Mr. CARLIN. Yes.

Mr. BUTLER. And we have been appropriating for the care of people at that place?

Mr. CARLIN. But it is not the place named in this paragraph.

Mr. TAYLOR of Ohio. In 1906, under the head of the Washington Asylum, we have a large number of items, among which is an item of $60,000 for a workhouse, an adjunct to the Washington Asylum. Nowhere in any statute have I been able to find it called anything else, and we have to-day built a workhouse, an adjunct as a part of the Washington Asylum. Now, Mr. Chairman, we have appropriated formerly for an asylum and a jail under two separate items for the support of prisoners, and here we seek simply to appropriate for the two places under one item, or the right to appropriate, and it is certainly fair that we should appropriate in a lump sum under one head if we wish to do so.

Mr. CARLIN. The gentleman, I am sure, intends to be frank with the committee; yet he will find on page 96 of the bill the very language which I have stated, and that they have undertaken to put these two institutions together:

> That the jail of the District of Columbia and the Washington Asylum of said District, on and after the 1st day of July, 1911, shall be combined as one institution, to be known as the Washington Asylum.

The gentleman's own bill would make it clear that it is a new institution.

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

Mr. CARLIN. With pleasure.

Mr. MANN. If we have authority to appropriate for the maintenance of prisoners in the jail and also have authority to appropriate for the maintenance of prisoners in the asylum, have not we the authority to omit the appropriation for the prisoners at either place and make the appropriation for the other place?

Mr. CARLIN. Not when the present statute gives the jurisdiction to the Attorney General of the United States and provides that the expenditures shall be made under him, and this statute, in effect, provides that it shall be made by the District Commissioners.

Mr. MANN. This item does not change any law that gives the Attorney General any authority that controls the matter at all.

Mr. CARLIN. I beg the gentleman's pardon. In the last appropriation bill the Department of Justice had jurisdiction of these prisoners and the expenditure of this item.

Mr. MANN. And the item was subject to the point of order; that provision was subject to the point of order.

Mr. CARLIN. That is the provision I am discussing; the very provision I am discussing.

Mr. MANN. No; the provision directed the money to be expended—put in the item last year—was subject to the point of order; that was legislation.

Mr. CARLIN. Well, it became a law.

Mr. MANN. It became a law for the current year only. It is not the law for the next fiscal year unless it goes in again.

Mr. CARLIN. No.

The CHAIRMAN. The Chair would like to inquire whether it is the intention of this paragraph to change the location of the prisoners of the District, or is it simply a change of name for the same building?

Mr. CARLIN. I can say, Mr. Chairman, it was for both purposes. On page 96 of the same bill appears a paragraph consolidating the two institutions—the jail and asylum—under the name of "asylum," and for its transfer.

Mr. MANN. I think the facts are that a part of the jail prisoners are now kept in the District of Columbia Jail and part are kept in the Washington Asylum. We make appropriation which is available in both places. We exercise the authority now of keeping prisoners in two places. This proposes to make appropriation only for keeping the prisoners in one of those places. If we have the authority to appropriate for both places, certainly we have the authority to appropriate for one place. It may be that the Attorney General has the authority to direct the prisoners to be kept in the jail. Very well; let him exercise that authority. We are not obliged to appropriate unless we choose to do so.

The CHAIRMAN. Does the Chair understand that the prisoners already, or a portion of them, are kept at the Washington Asylum, or the Washington Asylum Hospital?

Mr. CARLIN. That is a statement of the facts, but it does not appear in this record.

The CHAIRMAN. And it is not the intention to change the location of these prisoners?

Mr. CARLIN. The gentleman is mistaken about that.

Mr. MANN. Part of them are kept there.

Mr. CARLIN. The Washington Asylum, the place that we are talking about, is a place for certain criminals only, and the workhouse is for another class of criminals. Under an appropriation act passed here about a year ago it was provided the District of Columbia should have the right to locate these two institutions either in Maryland or Virginia. They have located one in Virginia and have started the institution into operation. They are now attempting to locate the other in Virginia, and this is the legislation that is necessary to do it and without which it can not be done.

Mr. MANN. This has nothing to do with that.

Mr. CARLIN. It has all to do with it. They do not assume to attempt the legislation here in the regular way by a report of the Committee on the District of Columbia, and so they seek this undercurrent for the purpose of accomplishing legislation by this method that can not be accomplished in the regular way. Now, how is it to be done? How is this to be done, Mr. Chairman? The House might as well know the truth now. It is to go out here on a point of order and come back in here, after having been placed on this same appropriation bill in defiance of the rules of this House, by the other body, and then we will be given the privilege of having it go to conference. The conferees here are members of the same committee, and if they are of the same opinion then that they are now, there will be no trouble in reaching an agreement upon this item.

Mr. COOPER of Wisconsin. Is the gentleman now referring to this proposition to establish the reformatory near Mount Vernon?

Mr. CARLIN. Yes; near Mount Vernon. This is the first paragraph. I want to disclose the whole purpose of this committee as well as of the District Commissioners in attempting to accomplish legislation in this way.

Mr. COOPER of Wisconsin. I want to ask one more question before the gentleman proceeds. Would this proposed reformatory at Belvoir, if constructed, be in sight of visitors at Mount Vernon?

Mr. TAYLOR of Ohio. It would be absolutely impossible——

Mr. CARLIN. The question is asked me, and I will take great pleasure in answering it. On an air-line from Mount Vernon these institutions will be about 3½ miles, or within 20 minutes' walk on an air-line. The property is a large one, covering something like, I think, 2,000 acres of land.

Mr. TAYLOR of Ohio. Will the gentleman let me interrupt him—not to interrupt his statement—to ask if I understand the gentleman to say that the property is about 3½ miles on an air-line, or, say, 20 minutes' walk from Mount Vernon?

Mr. CARLIN. Yes; and——

Mr. TAYLOR of Ohio. Does not the gentleman know that for a large part of the way you would have to swim through water?

Mr. CARLIN. I know all about it, and will explain.

Mr. MANN. Mr. Chairman, I insist on the discussion of the point of order until that is disposed of.

Mr. CARLIN. I was carried into this by interrogatories of my associates; but I want to give all the information that was asked for. If the Chair will allow, I will say that on page 79, beginning with line 14, the Chair will find the paragraph, consisting of a page and a half, relating to the same subject and designed for the same purpose and amending every statute that is at present existing on this subject.

Mr GARDNER of Michigan. Mr. Chairman——

Mr. CARLIN. Again he will find——

Mr. GARDNER of Michigan. Will the gentleman yield?

Mr. CARLIN. Not at present, for I have looked into the subject.

Mr. GARDNER of Michigan. I would like to know if the gentleman is discussing a point of order against one paragraph or anticipating points of order against other paragraphs.

Mr. CARLIN. I am discussing one point of order for the purpose of getting the Chair's ruling as to the construction of this paragraph and construction as to subsequent paragraphs in the bill. You can not be heard to deny a thing you have written a dozen times in the same bill. Therefore, I am going to call the Chair's attention to various paragraphs scattered through this bill intended to accomplish this one purpose. On pages 94 and 95, and then when we come to pages 96 and 97, both pages of this same appropriation bill are reeking with new legislation designed to change the name of these institutions to one institution, and change the location of that in the District of Columbia to the State of Virginia, and to appropriate money therefor.

Mr. GARDNER of Michigan. Mr. Chairman, the situation relative to this amendment is like this: Gentlemen may know that out here near the Congressional Cemetery there are a number of institutions—eleemosynary and criminal. They have there the United States Jail, they have there the workhouse, representing hundreds of thousands of dollars of expenditure, where prisoners have been incarcerated for many years. Indeed, the buildings are getting old, and some of them are falling into comparative bad repair. The physchopathic ward of the workhouse where inebriates and others suffering from influences that make them in many cases subjects for St. Elizabeth's Hospital are under treatment. I am very glad to say that they have proven to be very excellent institutions. It has always been considered as the Washington Asylum in making these appropriations. There are a number of prisoners, and there will continue to be a number for some time.

The object of this bill is to appropriate for the support and maintenance of those prisoners in both institutions. That is the only point. Now, on the question whether we shall or shall not wait before we consider the other items. The gentleman from Virginia anticipates those we have not reached.

Mr. CARLIN. We have reached it, Mr. Chairman, and we may as well shell the nubbin now as at any other time. I call the Chair's attention to the Revised Statutes of the United States, second edition, page 1074, paragraph 5545; and that is the one paragraph which is attempted to be repealed by this provision. It reads as follows:

Hereafter there shall be allowed and paid by the Attorney General—

I understand the gentleman from Illinois to say it was only written in one appropriation bill and only lasted for one session.

Mr. MANN. You misunderstood me. I did not make any such statement about it.

Mr. CARLIN. I understood the gentleman to say it was in only one appropriation bill [reading]—

for the subsistence of prisoners in the custody of any marshal of the United States and the warden of the jail—

Which is the very proposition here—

in the District of Columbia, such sum only as it reasonably and actually cost to subsist them. And it shall be the duty of the Attorney General to prescribe such regulations for the Government, etc.

Now, that is the provision of this section.

Mr. BOWERS. Will the gentleman point out where we take the authority from the Attorney General?

Mr. CARLIN. This puts it under the control of the District Commissioners in effect, and takes it away from the warden of the jail, and puts in the warden of the asylum the control of every institution. The minute that this paragraph becomes law, with the subsequent continuations, then the warden of the jail is wiped out and this statute is repealed, and he no longer is custodian of the prisoners nor of their care to any extent.

Mr. BOWERS. What has the gentleman to say to the proposition advanced by the gentleman from Illinois that this amounts simply to an appropriation for the prisoners in the Washington Asylum, wholly omitting all reference whatever to the Washington Jail, and omitting the language which is in the law, and which can not be repealed by omitting it, with reference to the control of the Attorney General? The point I am trying to make——

Mr. CARLIN. I understand the gentleman.

Mr. BOWERS. No; let me conclude. The point I am trying to make is that there is no rule of this House that requires the verbiage of one appropriation bill to be adhered to in the succeeding appropriation bills, and that as to the difference in verbiage and the omission of that language, that point constitutes no question of order against this provision.

Mr. CARLIN. For the information of the gentleman I will state that there is a rule of this House, Rule XXI, which provides that you shall not enact new legislation upon an appropriation bill, nor shall you repeal or alter existing law.

Mr. BOWERS. All of which we are all familiar with, and which we contend is not done by this provision.

Mr. CARLIN. And which I contend is done by the provision, and there is where we differ. I call the attention of the Chair to the statute law; I call the attention of the Chair to the bill itself; page after page of it succeeding this paragraph attempting to consolidate the jail and the asylum into one institution, which is your own construction of this paragraph. I would like to ask the gentleman in charge of the bill who drew these paragraphs, and if they were drawn by the committee.

Mr. GARDNER of Michigan. To what paragraphs does the gentleman refer?

Mr. CARLIN. The paragraph on page 74, which I am discussing, and the paragraphs on pages 76 and 77.

Mr. GARDNER of Michigan. The paragraph under discussion, and upon which we are seeking a ruling, was drawn by the committee to a very large extent.

Mr. CARLIN. To a very large extent—it is only six lines long.

Mr. GARDNER of Michigan. Will the gentleman kindly allow me?

Mr. CARLIN. Certainly.

Mr. GARDNER of Michigan. There is much in this, as in every bill, I will say to the gentleman from Virginia, that is not drawn by the members of the committee, but presented to the members of the committee for their consideration, as the commissioners have a right——

Mr. MANN. What difference does it make who drew it?

Mr. CARLIN. Does the gentleman think——

Mr. GARDNER of Michigan. Wait a moment, please. The gentleman asked a question, and does not allow an answer.

Mr. CARLIN. I beg the gentleman's pardon. I am anxious for an answer.

Mr. GARDNER of Michigan. If the gentleman will be kind enough to wait, he will have an answer. The school board have the right, as any other interest has a right, to present proposed items for the consideration of the committee, and it is for the committee to accept or reject those items; and it is not anything against this that somebody else may have drawn some particular provision. That would lie against much in the bill with which the gentleman is in hearty accord.

Mr. CARLIN. The gentleman misunderstands me. The point I am making is that the Committee on Appropriations, whose bill is before this House, are usurping the rights of other committees of this House when they undertake to write statutory law into an appropriation bill, and they must have known that it is beyond the rights and the duties of this committee to undertake such a proceeding in the face of the rule to which I have referred.

Mr. MANN. I insist that the disposition of the point of order is the proposition before the committee.

The CHAIRMAN. The Chair finds that the law affecting this matter is very voluminous, and has been trying to ascertain just what the law on the subject is, and so has allowed the gentleman to proceed at some length, hoping to get enlightenment on that particular subject. The Chair would like to be

enlightened as to these points: Whether there is any law by which prisoners have been or can be sent to the Washington Asylum; whether prisoners at the Washington Asylum have been appropriated for by law; whether there are such prisoners there at the present time; and especially whether there is any statute law which authorizes the keeping of prisoners there.

Mr. GARDNER of Michigan. Prisoners have been sent to the Washington Asylum, I was going to say longer than any Members have served in this House, with the exception, I think, of two, and have been supported there right along by appropriations year after year.

The CHAIRMAN. The Chair asks the gentleman if these prisoners were appropriated for at this place in last year's appropriation bill.

Mr. MANN. The item itself shows that they were. It is for the maintenance of jail prisoners of the District of Columbia.

The CHAIRMAN. The Chair has been endeavoring to fix the location of the prisoners sentenced by the courts of the District of Columbia.

Mr. CARLIN. That is provided for by law, and here is the statute which says that it is at the jail.

The CHAIRMAN. The Chair has examined the law referred to and finds that prisoners may be sent to the District Jail and outside of the District to other jails and penitentiaries, but has not found any law authorizing prisoners to be sent to the Washington Asylum.

Mr. MANN. Does the Chair wish to look up the law authorizing an order by which a man can be sent to St. Elizabeth when he is crazy? There is no doubt that such a law exists.

The CHAIRMAN. That matter is not before the Chair.

Mr. MANN. That matter is before the Chair—whether you can send an insane man to some place besides the jail. That is precisely the question before the Chair, whether you can appropriate for it.

The CHAIRMAN. If the attempt was to appropriate for prisoners to be sent to St. Elizabeth the Chair would ask the question.

Mr. COOPER of Wisconsin. Mr. Chairman, will the gentleman from Illinois yield?

Mr. MANN. Certainly.

Mr. COOPER of Wisconsin. The gentleman suggested that there was some analogy between sending an insane person to the asylum and the sending of a prisoner convicted of a crime ordinarily sent to jail or penitentiary to an asylum. I confess that there would have to be a statute pointed out to me to show where any court of criminal jurisdiction was authorized to send anybody to an asylum under an ordinary sentence.

Mr. MANN. Does the gentleman from Wisconsin in his State have any provision for transferring an insane prisoner from the penitentiary to an asylum?

Mr. COOPER of Wisconsin. I understand that these are not insane prisoners.

Mr. MANN. The gentleman from Wisconsin is wrong; we are providing for insane prisoners.

Mr. TAYLOR of Ohio. Mr. Chairman, the Washington Asylum is not merely an asylum for insane people, but consists of a jail and a workhouse, in which, on an average, there are 600 or 700 prisoners incarcerated, or up to the time they moved a large number to Occoquan. There is still there a proper place of confinement for alcoholic and insane people.

Mr. COOPER of Wisconsin. The use of the word "asylum" for prisoners is a most unusual one, or for a house of detention.

Mr. TAYLOR of Ohio. The gentleman must put the blame on Congress away back in 1889.

Mr. CARLIN. If the gentleman will insert the provision of last year's appropriation bill, I will make no further objection. The gentleman can do that if the committee does not mean to change existing conditions.

Mr. MANN. I ask for a ruling. This proposition might as well be settled.

The CHAIRMAN. The law brought to the attention of the Chair provides that prisoners in the District of Columbia shall be sent to the jail. The Chair has asked repeatedly for any other law for sending prisoners to Washington Asylum. If no such authority is shown, the Chair will be compelled to sustain the point of order.

Mr. TAYLOR of Ohio. If the Chair will wait a moment, we are looking through the code to see if the authority is not there.

Mr. COOPER of Wisconsin. The regular order!

The CHAIRMAN. The regular order is for a ruling by the Chair, but the Chair is not ready to rule. The Chair understands the gentleman from Ohio to be looking for some authority to submit to the Chair.

Mr. MANN. I insist that we are not obliged to wait upon the gentleman from Ohio or anybody else.

The CHAIRMAN. The Chair desires to make a proper ruling in this matter.

Mr. MANN. We can not be expected to wait on that; the Chair has to rule in the light that he has.

The CHAIRMAN. With the light that the Chair now has before him, he sustains the point of order.

The Clerk read as follows:

For repairs to buildings, plumbing, painting, lumber, hardware, cement, lime, oil, tools, cars, tracks, steam-heating and cooking apparatus, $2,000.

Mr. CARLIN. Mr. Chairman, I make a point of order against the paragraph. It is the same point of order that I made against the other.

Mr. MANN. What is it?

Mr. CARLIN. It is the paragraph beginning on the top of page 79 and ending line 7, page 81.

Mr. HULL of Iowa. That paragraph we passed some time ago.

Mr. CARLIN. No; it finishes on page 81.

Mr. HULL of Iowa. There are several paragraphs in that.

The CHAIRMAN. The Chair is of opinion that the Clerk has read two paragraphs beyond that.

Mr. CARLIN. My understanding is that it is all one paragraph; it applies to the same institution, and while seemingly there may be two paragraphs it is only one. My point is that they are all one and the same thing.

The CHAIRMAN. The Chair does not so understand it. The Chair understands paragraphs to be those indicated by the printer as paragraphs on the printed page.

Mr. BOWERS. I make the point of order that the point of order raised by the gentleman from Virginia comes too late.

The CHAIRMAN. The point of order by the gentleman from Mississippi is sustained.

Mr. CARLIN. Mr. Chairman, I will ask unanimous consent and the Chair's indulgence to proceed for a moment.

The CHAIRMAN. Without objection, the gentleman may proceed for one minute.

Mr. CARLIN. Mr. Chairman, the person who prints this bill, the form in which it is printed, does not necessarily make the paragraph. It is the subject matter and its relation thereto that make the paragraph.

The CHAIRMAN. Unfortunately, the law has been held otherwise.

Mr. CARLIN. Then, Mr. Chairman, I make the point of order as to the paragraph just read, which strikes out the paragraph relating to that subject.

Mr. BOWERS. Mr. Chairman, the paragraph just read relates to buildings, plumbing, painting, lumber, hardware, cement, lime, oils, tools, cars, steam-heating and cooking apparatus, and, it seems to me, is not subject to a point of order.

Mr. CARLIN. I make the point of order as to that paragraph, as it relates back to the Washington Asylum, an institution that does not exist under the law.

Mr. BOWERS. The gentleman from Ohio has read from the law showing that it does exist.

The CHAIRMAN. Does the gentleman from Virginia claim that the institution to which this paragraph relates does not in fact exist?

Mr. CARLIN. That is exactly what I claim.

Mr. TAYLOR of Ohio. Mr. Chairman, we have gone as far as we can to convince the gentleman and the committee that it does exist. It has existed in law and in fact since 1879 under this name, and we have read it to the Chair repeatedly.

Mr. CARLIN. I never questioned the gentleman's facts, but I would like to see his law.

Mr. TAYLOR of Ohio. I have read the law to the gentleman.

Mr. CARLIN. I do not think the gentleman has. He has read from the appropriation bill of 1879.

Mr. TAWNEY. Mr. Chairman, I do not think it is material as to what the law is, so far as this point is concerned. Here is a Government institution for which appropriations have been made, and this appropriation is for the purpose of maintaining that institution, which has been owned and has been maintained heretofore by the Government of the United States jointly with the District of Columbia.

Mr. MANN. Will the gentleman yield?

Mr. TAWNEY. Yes.

Mr. MANN. The gentleman from Minnesota does not quite understand the gentleman from Virginia. The gentleman from Virginia wants to transfer all of these prisoners to Virginia instead of keeping some of them in Washington.

Mr. CARLIN. No; the gentleman is mistaken.

Mr. MANN. Well, he is trying to abolish the place.

Mr. CARLIN. I am trying to keep the law as it is, and this statute creates a new place.

Mr. MANN. The gentleman is trying to strike out the appropriation, and that ends it.

Mr. CARLIN. I am only doing it because the gentleman raises the point of order that the paragraph was passed.

The CHAIRMAN. The Chair is clear that the point of order will not lie against this paragraph. The Chair therefore overrules the point of order.

Mr. MANN. Mr. Chairman, I would like to call attention to the fact that in line 7, on page 87, the word "hundred" is misspelled, and I ask unanimous consent that the Clerk may make that correction.

The CHAIRMAN. Without objection, the Clerk will correct the spelling.

There was no objection.

The Clerk read as follows:

In all, for Industrial Home School for Colored Children, $13,310: *Provided*, That all moneys received at said school as income from sale of products and from payment of board of instruction, or otherwise, shall be paid over to the Commissioners of the District of Columbia to be expended by them in the support of the school during the fiscal year 1912.

Mr. COX of Indiana. Mr. Chairman, I move to strike out the last word. If I am correct in my position, this item has been carried in this bill at this place for several years, providing that the funds derived from the sale of products and from payment of board of instruction, and so forth, shall be turned over to the Treasury. I want to find out how much that has amounted to, if any.

Mr. GARDNER of Michigan. Two hundred dollars, about. It was a small institution and was regarded at the time that it was instituted as an encouragement to the colored boys.

Mr. COX of Indiana. I am not questioning the wisdom of it, but I want to find out how much it amounted to. How much was turned over?

Mr. GARDNER of Michigan. Something like $200.

The Clerk read as follows:

The Commissioners of the District of Columbia are authorized to accept, as a donation from the Night Lodging House Association of the District of Columbia, the south half of lot 19, in square 293, in the city of Washington, and the improvements thereon, now known as the Night Lodging House, the same to become the property of the District of Columbia.

Mr. MANN. Mr. Chairman, I reserve the point of order on that. Do you want to turn it over so the District will support it?

Mr. GARDNER of Michigan. The District does support it, and has for years, except what they earn in work.

Mr. MANN. We have been paying rent, and they seek to acquire title. Is that the case?

Mr. GARDNER of Michigan. That is the case.

Mr. MANN. We have been appropriating for it. Are we running a night lodging house under Government supervision?

Mr. GARDNER of Michigan. It is owned by the Night Lodging Association, not by the Government, as I understand it, and they propose to turn it over to the Government and the District combined.

Mr. STAFFORD. What does the District receive for the rent paid for the use of it?

Mr. GARDNER of Michigan. For the rent or maintenance?

Mr. STAFFORD. The hearings disclose that $200 is paid for rental, and I want to know for what purpose it is paid.

Mr. GARDNER of Michigan. The District has made an appropriation for years for the maintenance of this institution. It is one of the best of its kind in the city, and keeps a lot of men out of jail lots of times when they would be picked up and landed there. It is largely self-supporting, but by no means entirely.

Mr. MANN. Is the purpose of turning this over to the Government to avoid the payment of taxes?

Mr. GARDNER of Michigan. No.

Mr. MANN. What is the purpose of turning it over to the Government, then?

Mr. GARDNER of Michigan. The Government has had practically to take charge of it for years and——

Mr. MANN. I do not think the Government had practically to take charge——

Mr. GARDNER of Michigan. If the gentleman will allow me.

Mr. MANN. I am listening to the gentleman and also to his colleague.

Mr. GARDNER of Michigan. As I was about to say, this is a private benevolent association that has done good work. Now, they propose to turn this over to the Government without any expense, and it will add nothing to the expense if this is accepted, but will save the rent that is now being paid for its use.

Mr. MANN. But the gentleman says in one moment that it is a private benevolent institution and in the next breath it is practically run by the Government. That is what I want to ascertain.

Mr. GARDNER of Michigan. It has been sustained largely by appropriations made by the Government.

Mr. MANN. We may provide the money now, but we do not run a lodging house, do we?

Mr. GARDNER of Michigan. We do not.

Mr. MANN. And Government officials do not handle a lodging house?

Mr. GARDNER of Michigan. No; there is a caretaker there——

Mr. MANN. There is a great deal more than a caretaker in a lodging house.

Mr. GARDNER of Michigan. Surely.

Mr. MANN. I have been in them myself, and I know. I know they have more than a caretaker, and 10-cent ones at that.

Mr. GARDNER of Michigan. I was down there one night myself.

Mr. MANN. What I want to know is whether it is proposed as a sequence to this that the Government is to run a night lodging house.

Mr. GARDNER of Michigan. That is just what it is—an institution which for years the Government has largely supported and for which it has gotten more than value received, in my judgment.

Mr. MANN. I think there is quite a distinction between the Government contributing money to some of these charitable institutions which maintain a lodging house, but to start in and provide that it is to run a lodging house, where will the gentleman make a distinction? If the Government is to run a lodging house, I would be very willing for it to run a congressional lodging house, but they will not.

Mr. GARDNER of Michigan. We have an appropriation here for the maintenance of a soldiers' lodging house, which is much the same thing.

Mr. MANN. Oh, not at all; we are contributing money for the support of these things. Is it the intention to have us embark upon that business? If it is, I shall make the point of order.

Mr. GARDNER of Michigan. They have been in it for nearly 10 years already.

Mr. MANN. Who runs this institution now?

Mr. GARDNER of Michigan. My understanding is that it is run by an association of benevolent people here, and they desire to turn it over, just as the playground association has resolved to turn playgrounds over, to the Commissioners of the District to take care of in the future. It is on all fours with that.

Mr. MANN. Well, I can see quite a distinction myself between providing playgrounds for the children of the District and undertaking to provide lodgings for everybody who comes into the District overnight.

Mr. GARDNER of Michigan. The gentleman does not make this distinction, that we have been paying money to a lot of benevolent-minded men and women here in the city to run an institution with which the Government had nothing to do but to pay the money. That is all we have done in this case.

Mr. MANN. We provide a lot of money for a lot of eleemosynary institutions. That is one of the ways of spending money for charity in the District. But that is different from furnishing night lodgings. We can draw the line between persons they admit and do not admit, but the Government can not do it. If the Government undertakes to provide lodgings it must undertake lodgings sufficiently large to take in everybody who comes.

Mr. GARDNER of Michigan. It would not necessarily. The gentleman goes to the extreme.

Mr. MANN. If I do not go to the extreme, the committee does. In order to keep from going to the extreme——

Mr. GARDNER of Michigan. If the gentleman will go down there and see their woodpile, he would not be anxious to enter.

Mr. MANN. In order to not go to the extreme, I make the point of order.

The CHAIRMAN. Does the gentleman from Michigan wish to be heard?

Mr. GARDNER of Michigan. No, sir.

The CHAIRMAN. It is clearly new legislation, and the Chair sustains the point of order.

The Clerk read as follows:

Transportation of paupers: For transportation of paupers, $3,000.

Mr. CARLIN. Mr. Chairman, I desire to offer the following as either a new section or a paragraph to the section just read.

The CHAIRMAN. The gentleman from Virginia offers the following amendment as a new paragraph. The Clerk will report.

The Clerk read as follows:

Provided, That no part of any appropriation contained in this act shall be expended for any purpose whatsoever for a reformatory or asylum or workhouse in the State of Virginia, within a radius of 10 miles of Mount Vernon, except the one now located at Occoquan, Va.

Mr. GARDNER of Michigan. I make a point of order against that amendment.

Mr. TAWNEY. Mr. Chairman, I just wish to make this observation: It is of the nature of a legislative limitation which changes existing law, the law now expressly authorizing the construction of a workhouse in the State of Virginia on a site which has heretofore been purchased with money appropriated by Congress.

Mr. CARLIN. Mr. Chairman, the law does not authorize the site to be selected within 10 miles of Mount Vernon. The law authorizes the site to be selected within the State of Virginia, and this simply limits that appropriation to within 10 miles of Mount Vernon.

Mr. BOWERS. And by so doing it changes existing law, because the law as it stands at present authorizes the selection anywhere within the State of Virginia, and this would narrow the limits.

Mr. TAWNEY. The site has been selected.

Mr. HULL of Iowa. This is beyond doubt. This is simply a limitation on the money appropriated. This is a question of, if we do select a site there, we will not appropriate for it. They have that right to put the limitation on this appropriation bill.

Mr. TAWNEY. It has been located there.

Mr. HULL of Iowa. We want to see if we can not change it.

Mr. BOWERS. Mr. Chairman, by the very statement he makes the gentleman from Iowa admits he desires to change existing law.

Mr. HULL of Iowa. We want to see if we can not change it.

Mr. BOWERS. Let me call the Chair's attention to the act itself:

The Commissioners of the District of Columbia are hereby authorized and directed to purchase two tracts of land, widely separated, of not less than 1,000 acres each, either or both of which to be situated in the State of Maryland or in the State of Virginia; one of said tracts shall be used as a site for the construction and erection of a reformatory of sufficient capacity to accommodate at least 1,000 inmates and the other for the construction and erection of a workhouse of sufficient capacity to accommodate at least 500 prisoners, and to build necessary temporary structures on each tract, etc.

Further on in the law it provides for the preparation of plans, specifications, and estimates, which are to be approved by the Commissioners of the District of Columbia—

who are hereby required to construct said reformatory and workhouse, and on their direction the prisoners at the time confined in any existing workhouse of said District shall clear and prepare any or all such tracts of land for building and assist in the construction of any or all of said buildings.

Mr. CARLIN. Mr. Chairman, it occurs to me that the gentleman from Mississippi has an entire misconception of the statute which he has read and its application to the amendment which I have offered. The statute itself authorizes the purchase of a site within the State of Virginia, and the money for that site was appropriated, and is not included anywhere in this bill. My amendment has no application or reference to the site. That is a concluded chapter. My amendment refers entirely and exclusively to the future performances with reference to that site, and is a limitation, and not in relation to the purchase. In other words, this provides that none of the money of this appropriation bill shall be expended upon the authorized site already purchased. Does the gentleman contend that we can not stop the expenditure of money upon any Government work or upon any Government site purchased or in process of being purchased? Remarkable, indeed, if Congress never has the power to stop the outflow of money. Having once provided a site to be purchased, we must agree to its continuation, and continue to appropriate money for the purposes to be accomplished upon the site. It seems to me that when we analyze it and reduce it to its last analysis the gentleman's point of order must fail.

Mr. BOWERS. Mr. Chairman, I desire to suggest an additional ground for the point of order, namely, that this amendment is not germane to this section, but goes far beyond its terms. It is not a limitation upon the appropriation carried in the section just read, but provides that—

no part of any appropriation contained in this act shall be used, etc.

And for that reason is subject to the point of order.

Mr. CARLIN. The reason I offered it here is because, in this paragraph just read, there is a provision for the transfer of prisoners to the workhouse; and this amendment is offered because I do not wish to affect the workhouse that has already been established there. I am perfectly willing to offer it at any place the Chairman says it will be in order.

Mr. HULL of Iowa. Mr. Chairman, the provision of the amendment goes to the entire bill and would be in order in any part of the bill. I do not think it makes any particular difference where it is offered in the bill. Some time ago, Mr. Chairman, the question of appropriations for the Army came up, the authorized force of the Army being 40,000 or 50,000; and in that appropriation bill, appropriating for the force of the Army provided by law, an amendment was offered that no money should be expended for pay of the enlisted force exceeding 25,000 men. Now, on the same theory, that was a change of existing law, and yet it was held, and has always been held on such an amendment, that a limitation upon the appropriation is simply the act of Congress saying that the money appropriated shall not be used for that specific purpose beyond a certain amount; and if we had a dozen places in Virginia, if we had anything on them—a prison or anything else—the appropriations in this bill could be limited for any purpose; and if Congress decided they would not continue the work at any point they could limit the appropriation by saying that none of the money should be used for such a purpose.

It is simply the expression of Congress. Of course, I am perfectly willing to concede that the ultimate object of this is to remove the site of this prison from near Mount Vernon; but this provision has nothing to do with that proposition of itself; but if Congress will stand in favor of not allowing money to be expended there, it will have that ultimate object, and have the great, patriotic sentiment of this country recognized by saying that no penal institution shall be located adjoining Mount Vernon. [Applause.]

Mr. MANN. When the amendment was offered the only question I had in my mind was whether it was offered in the right place or not. The amendment would seem to be clearly a limitation upon an appropriation. It does not interfere with the discretion or jurisdiction of anybody, except that it provides that we do not appropriate money for a certain purpose. That is clearly within the power of the House.

Now, the amendment is offered just ahead of a paragraph entitled "Reformatory and workhouse," which relates to the workhouse and reformatory in the State of Virginia, so that the item which follows the amendment now in the bill is in reference to the same subject matter, and it would seem to me that the item therefore was offered in a proper and germane place in the bill, just as well here as anywhere else.

Mr. TAWNEY. Mr. Chairman, the amendment offered by the gentleman from Virginia reads as follows:

Provided, That no part of any appropriation contained in this bill shall be expended for any purpose whatsoever for a reformatory or asylum or workhouse in the State of Virginia within a radius of 10 miles of Mount Vernon.

Now, the gentlemen who have discussed this admit that the purpose is to prevent the expenditure of money for the construction of the workhouse which is being constructed now on a site previously authorized by Congress with money appropriated by Congress. That site has been located there by authority of law. The purpose of this is to change that location, and to that extent to change the law under which this site has been selected.

If the gentleman wishes to stop work on this workhouse, then he should make his limitation apply to the appropriation under which this particular work is being conducted, or is to be conducted, in the next fiscal year.

Mr. CARLIN. Will the gentleman yield?

Mr. TAWNEY. The appropriation has been made for this year, and the work is going on and will go on until the end of this fiscal year.

Mr. CARLIN. The gentleman is mistaken. There is no work going on there.

Mr. HULL of Iowa. There is no appropriation for that yet. There is an appropriation for the purchase.

Mr. TAWNEY. The District of Columbia appropriation bill for this year contains this provision:

Reformatory and workhouse: For the following purposes in connection with the removal of jail and workhouse prisoners from the District of Columbia to the sites acquired or to be acquired for a workhouse and reformatory in the State of Maryland or Virginia, in accordance with the provisions of existing law, including superintendence, etc., $120,000.

That is carried in the current District of Columbia appropriation act for the work that is now going on, and will continue to go on, on this site between now and the 1st of next July.

Mr. BOWERS. Will the gentleman from Minnesota allow me to call his attention to this language in the same act?

And on their direction—

That is, the direction of the commissioners—

the prisoners confined in any existing workhouse of the District shall clear away and prepare all of such tracts of land for building and assist in the construction of any and all of such buildings.

Mr. CARLIN. That relates to the workhouse, not to the reformatory.

Mr. BOWERS. It relates to both.

Mr. CARLIN. Let me correct the gentleman from Minnesota in some of the material statements he has made. I am sure he would not want to make a misstatement to the House.

In the first place, he says there is work going on upon this reformatory. There has never been a pick stuck in the ground or an ax to a tree; and the fact is, they have not yet acquired the title to the property, and the matter is now in the courts, and I understand that there is an appeal from their right to acquire it under the condemnation proceedings.

Mr. HULL of Iowa. That is correct.

Mr. CARLIN. Those are the facts.

Mr. MANN. That has nothing to do with the point of order.

Mr. TAWNEY. No; that has nothing to do with it, as far as the point of order is concerned. The law vests in the District Commissioners the discretion in the matter of locating these two institutions. The original act vested in the District Commissioners the discretion of locating the two sites.

Mr. MANN. Does not the law and the Constitution also vest in Congress the discretion as to whether it will or will not make an appropriation for any purpose under the sun?

Mr. TAWNEY. That is not the question. If the gentleman wishes to move to strike out the appropriation, Congress has the power to do it. This is a question whether or not this amendment offered in the nature of a limitation is a limitation that is in order under the rules of the House. I do not question the power of Congress to appropriate money or not appropriate it for any given object. I do maintain that when a limitation is in order on an appropriation bill it must be a limitation that does not interfere with existing law or change the discretion vested in any officer.

Mr. MANN. In what way does it change it?

Mr. TAWNEY. It changes the discretion vested in the District Commissioners as to locating these two institutions.

Mr. MANN. They can go out and locate it where they please; we say that we will not pay the money for it.

Mr. TAWNEY. It is not a question whether we have the power to give or withhold the appropriation.

Mr. NORRIS. Mr. Chairman, it seems to me it might be conceded, for the sake of the argument, that all that has been said by the gentleman from Minnesota could be absolutely true, and for the sake of argument I want to concede that it is true. And yet it does not follow that this amendment is subject to a point of order. Nobody contends but that the commissioners have the right, provided by law, to select the site and construct a building on it; but it is immaterial whether the site has been selected or whether the title has been perfected in the Government or whether there is any work going on there now, or even whether the building has been completed. Congress has the right, notwithstanding all those conditions, to refuse to appropriate for it. It seems to me that the Chair could reach a logical conclusion by assuming that there were two institutions and that the bill provided for both of those institutions. Would it not follow that we could, by limitation, limit the appropriation entirely to one institution, even if the result of that limitation would make one institution entirely empty and useless? It does not follow because we may refuse to appropriate that this may not be used or that it would be an argument to sustain the point of order. It is simply a limitation, and there can be no other construction given of it.

Mr. GARDNER of Michigan. Arrangements have already been made to proceed with the work and the money is in hand to do it, and before the 30th day of June the buildings will be erected and the prisoners will be there at work, if the instructions of the Congress previously made are carried out.

The CHAIRMAN. The Chair is ready to rule. The gentleman from Virginia offers an amendment which the Chair will read, so that it may appear in its proper place in connection with the ruling on the point of order:

Provided, That no part of any appropriation contained in this act shall be expended for any purpose whatsoever for a reformatory or asylum or workhouse in the State of Viriginia within a radius of 10 miles of Mount Vernon, except the one now located at Occoquan, Va.

To this a point of order is made that it is a change of existing law, or that it has the effect of changing existing law. This point has been the subject of so many rulings that the Chair is at a loss just which one to cite. The most famous ruling, perhaps, on the subject is the one made in the Fifty-fourth Congress by Mr. Nelson Dingley, of Maine, as Chairman, in which he laid down as the governing principle the following:

The reason for that rule of limitation is simply this: The House in Committee of the Whole has the right to refuse to appropriate for any object which it may deem improper, although that object may be authorized by law; and it has been contended, and on various occasions sustained by the Committee of the Whole, that if the committee has the right to refuse to appropriate anything for a particular purpose authorized by law it can appropriate for only a part of that purpose and prohibit the use of the money for the rest of the purpose authorized by law. That principle of limitation has been sustained so repeatedly that it may be regarded as a part of the parliamentary law of the Committee of the Whole.

The present amendment seems to the Chair to come clearly within that principle and to be simply a limitation on an appropriation. Such a limitation is clearly in order under the rules and practice of the House, even though it forbade the expenditure of any part of the appropriation for purposes heretofore specifically authorized by law. The Chair therefore overrules the point of order.

Mr. BORLAND. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. BORLAND. Mr. Chairman, this is a very important matter which is going to engage the attention of the House, and I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Missouri makes the point of order that there is no quorum. The Chair will count.

Mr. BORLAND (during the count). Mr. Chairman, I withdraw the point of order.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the amendment and the succeeding paragraph be passed without reading and without prejudice.

Mr. GARDNER of Michigan. And that we proceed with the reading of the bill.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the pending amendment and paragraph referred to by the gentleman be passed without prejudice.

Mr. CARLIN. Reserving the point of order, I want to ask this question: Does the gentleman mean that we pass the subsequent paragraph relating to reformatory and workhouse?

Mr. MANN. Yes. The gentleman will have a right to make a point of order upon that when it is reached.

Mr. BURLESON. The gentleman will not lose any of his rights.

Mr. CARLIN. Let us see how far it goes.

Mr. MANN. To line 5, on page 98.

Mr. CARLIN. I am willing that all should go over down to the words "Militia of the District of Columbia."

Mr. MANN. Yes.

Mr. CARLIN. Let us understand exactly what it is. I am willing that all matters down to the words "Militia of the District of Columbia," on page 98, shall be passed without prejudice until Monday——

Mr. HULL of Iowa. Oh, there will be no Committee of the Whole on Monday.

Mr. MANN. Oh, yes, there will.

Mr. HULL of Iowa. That is suspension day.

Mr. MANN. No; it is not.

Mr. HULL of Iowa. It is unanimous-consent day.

Mr. MANN. Monday is not unanimous-consent day, and neither is it suspension day. It is the fifth Monday of the month.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the pending amendment and the succeeding paragraph, beginning on page 93, line 13, down to page 98, line 5, be passed without prejudice. Is there objection?

Mr. CARLIN. Mr. Chairman, we are trying to get together on this. I do not want to object if we are certain of a hearing on this bill on Monday. The gentleman from Illinois says we will be.

Mr. MANN. Monday is not suspension day. It is the fifth Monday of the month. Suspension day and unanimous-consent day are the first and third Mondays of the month, and District day is the second and fourth Mondays of the month.

Mr. TAWNEY. Why would it not meet the gentleman's purpose simply to provide that it be taken up when the Committee of the Whole on the state of the Union takes this bill up on the next legislative day?

Mr. CARLIN. For this reason, that the membership of this House is interested in this provision, and I would like a time fixed so that they may know and may be present.

Mr. TAWNEY. Unless something intervenes that is unusual it will come up on Monday.

Mr. CARLIN. Then, I have no objection to letting it go over under those conditions.

The CHAIRMAN. The Chair hears no objection, and the Clerk will read:

The Clerk read as follows:

Anacostia River Flats: Toward the reclamation and development of the Anacostia River and Flats from the Anacostia Bridge northeast to

the District line, to be expended under the supervision of the Chief of Engineers, United States Army, upon plans to be prepared under the direction of, and to be approved by, a board of engineers to consist of the Engineer Commissioner of the District of Columbia, the officer in charge of public buildings and grounds, and the engineer officer in charge of the improvement of the Potomac River; said sum to be available for the preparation of plans, the prosecution of the work, the employment of personal service, and for such other purposes as may in the judgment of said board be necessary to carry out the purposes of this appropriation, $100,000.

Mr. JOHNSON of Kentucky. Mr. Chairman, I rise to make a point of order against that paragraph on the ground that it is new legislation.

The CHAIRMAN. Will the chairman of the committee supply the Chair with any authority for this appropriation?

Mr. GARDNER of Michigan. Rule.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

MONTROSE PARK.

That the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to acquire for a park, by purchase or condemnation, the tract of land known as Montrose, lying immediately north of road or R Street and east of Lovers Lane, on Georgetown Heights, containing 16 acres, more or less, at an expense not exceeding $110,000; and for that purpose the sum of $110,000, to be immediately available, is hereby appropriated out of any money in the Treasury of the United States not otherwise appropriated: *Provided*, That one-half of the said sum of $110,000, or so much thereof as may be expended, shall be reimbursed to the Treasury of the United States out of the revenues of the District of Columbia, in four equal annual installments, beginning with the fiscal year 1912, and with interest at the rate of 3 per cent per annum upon the deferred payments: *And provided further*, That one half of the sum that shall be annually appropriated and expended for the maintenance and improvement of said lands as a public park shall be charged against and paid out of the revenues of the District of Columbia in the same manner now provided by law in respect to other appropriations for the District of Columbia, and the other half shall be appropriated out of the Treasury of the United States. If said commissioners shall be unable to purchase said land at a price not exceeding the sum of $110,000, then they shall proceed to acquire said land in the manner prescribed for providing a site for an addition to the Government Printing Office in so much of the act approved July 1, 1898, as is set forth on pages 648 and 649 of Volume XXX of the Statutes at Large, and for the purposes of said acquisition the Commissioners of the District of Columbia shall have and exercise all powers conferred upon the Public Printer in said act: *Provided*, That the public park authorized and established by this act shall become a part of the park system of the District of Columbia and be under the control of the Chief of Engineers of the United States Army.

Mr. COX of Indiana. Mr. Chairman, I make the point of order against the paragraph.

Mr. TAYLOR of Ohio. Mr. Chairman, will the gentleman state his point of order?

Mr. COX of Indiana. That it is new legislation.

Mr. TAYLOR of Ohio. Mr. Chairman, this park was authorized in the public-buildings act of last session—section 37 of the public-buildings act. The only difference is that we authorized an expenditure of $150,000 for the purchase of the park and we bought it for $110,000, and we are appropriating $110,000.

Mr. GARDNER of Michigan. I will read from the act of June 25, 1910:

An act to increase the limit of cost of certain public buildings, to authorize the enlargement, extension, remodeling, or improvement of certain public buildings, to authorize the erection and completion of public buildings, to authorize the purchase of sites for public buildings, and for other purposes.

And named in the act is the Montrose Park.

Mr. COX of Indiana. If we are authorized to purchase, what is the use of this authorization in here?

Mr. GARDNER of Michigan. It has to be paid for.

Mr. COX of Indiana. Could not the appropriation be made without all this text? It is apparent there is law upon which the appropriation could be based, and therefore, as far as I am concerned, I withdraw the point of order.

The Clerk read as follows:

For continuing the extension of and maintaining the high-service system of water distribution, laying necessary service and trunk mains for low service, and purchasing, installing, and maintaining water meters on services to such private residences and to such business places as may not be required to install meters under existing regulations as may be directed by the Commissioners of the District of Columbia, said meters at all times to remain the property of the District of Columbia, to include all necessary land, machinery, buildings, mains, and appurtenances, and labor, and the purchase and maintenance of horses, wagons, carts, and harness necessary for the proper execution of this work, and for the purchase and maintenance of one motor runabout to be used for purposes of inspection, at a cost of not to exceed $1,800, so much as may be available in the water fund during the fiscal year 1912, after providing for the expenditures hereinbefore authorized, is hereby appropriated.

Mr. COX of Indiana. Mr. Chairman, I make the point of order against the following language, beginning in line 18 with the word "and" down to and including the word "dollars," in line 21.

The CHAIRMAN. The gentleman from Indiana makes the point of order against the paragraph indicated. Does the gentleman wish to be heard upon the point of order?

Mr. GARDNER of Michigan. I would like to state why, and then I hope the gentleman will withdraw the point of order.

The CHAIRMAN. Does the gentleman from Indiana reserve his point of order?

Mr. COX of Indiana. I reserve the point of order.

Mr. GARDNER of Michigan. The duties of this officer take him over practically 70 square miles, and oftentimes he has to make the trip as quickly as possible. It is in the interest strictly of economy to provide these facilities. If they are not allowed, then he will have to have horses, wagon, and driver as a substitute to enable him to discharge his duty. I hope the gentleman will withdraw the point of order, and I may say that no part of this money comes out of the District revenues or out of the revenues of the United States, but wholly out of the water department, and it is inserted here simply in the interest of good administration and of economy.

Mr. COX of Indiana. Mr. Chairman, I want to be reasonable in making these points of order, but I have heard that argument on the floor of this House for a number of years, that the purchase of automobiles, and so forth, is in the interest of economy, and I have heard fierce attacks on the floor of this House because these automobiles are not being used solely for the purposes for which they were bought, but that they are being used for private purposes. I do not know, of course, for what purpose this automobile will be used, and I must insist upon the point of order.

Mr. TAYLOR of Ohio. Mr. Chairman, just a moment; this is not a pleasure vehicle; it is just a question of carrying pipes and things of that kind and men quickly where there may be a leak, and so forth, in the water system. It is paid wholly out of the earnings of the department.

Mr. COX of Indiana. Employees ride in it?

Mr. TAYLOR of Ohio. Why, certainly.

Mr. MANN. Going to and from their work?

Mr. COX of Indiana. I am willing to accept the ruling of the Chair.

Mr. HUGHES of New Jersey. Why not limit it and say that the employees can not ride before or behind on it; how will that do?

Mr. FINLEY. Mr. Chairman, I make the point of order there is no quorum present.

The CHAIRMAN. The Chair will count.

Mr. MANN. What is the gentleman trying to do—get a special session of Congress to enact a tariff bill?

Mr. FINLEY. Well, I am not averse to that if the gentleman will do as he did in the last session when he voted against the Payne-Aldrich bill.

Mr. MANN. I probably will vote against any bill you people may agree upon.

Mr. HUGHES of New Jersey. The gentleman will probably vote against any bill.

Mr. MANN. I will keep right.

Mr. MACON. The gentleman from Illinois [Mr. MANN] voted against the last one, did he not?

Mr. MANN. Yes, sir; I voted against the last one.

Mr. TAWNEY. Mr. Chairman, has the point of order been made?

The CHAIRMAN. The point of no quorum has been made.

Mr. TAWNEY. I hope the gentleman from South Carolina [Mr. FINLEY] will withdraw the point of order.

Mr. FINLEY. It is late in the afternoon, anyway.

Mr. BOWERS. I will say to the gentleman from South Carolina that we will finish the bill except that portion of it which by unanimous consent has been passed over.

Mr. FINLEY. That portion will not come up to-day?

Mr. BOWERS. No.

Mr. FINLEY. Then I withdraw the point of order.

Mr. TAWNEY. Mr. Chairman, on the point of order made by the gentleman from Indiana [Mr. Cox] I will say that this is not a vehicle that is intended for the personal use of any employee of the District of Columbia. It is one of the facilities provided by Congress for the carrying on of a public work. It is just as essential, and it is more economical than the facilities heretofore provided for that purpose. This vehicle is used for the purpose of carrying material necessary in the repair of water mains and water pipes, and in taking men employed in the water department to and from their work. Now, I will say, Mr. Chairman, that that is a vehicle that is used to-day in every municipality almost in the United States that maintains a water system, because of the economy from its use, and it is one of the necessary instrumentalities that the authorities of the District of Columbia have for carrying on the work which they are charged by law to perform. And it is not, in my judgment, subject to a point of order.

Mr. MANN. I am not able to distinguish this item from the ruling on the Army bill as to adding other vehicles for the transportation of troops or supplies for the Army. This item already provides for the purchase and maintenance of horses,

wagons, and carts. If the item is in order to that extent, then there is general authority for transporting these persons and this material now. If there is such an authority now, under the ruling the other day we had the authority to increase the methods of transportation. If the item is not in order, then it is merely an amendment to what is in the bill.

Mr. MACON. Mr. Chairman, in reply to what the gentleman from Minnesota has said about this point of order, it strikes me that the language of the act itself disputes his contention, for I find that it provides for the purchase and maintenance of horses, wagons, carts, and harness necessary for the proper execution of this work, and for the purchase and maintenance of one motor runabout to be used for purposes of inspection. Now, if that means to carry pipes and other material around with, then I do not understand what the word "inspection" means.

Mr. TAWNEY. It is the duty, I will say to the gentleman from Arkansas——

Mr. MACON. If it is for some gentleman to ride around in in order to inspect work, and for no other purpose——

Mr. TAWNEY. I will say to the gentleman from Arkansas that it is the duty of the water department to inspect all of the equipment used in the water system of the District of Columbia. They are obliged to make these inspections, and in making them they must necessarily have the means of conveyance. It is absolutely essential to the discharge of the duties which by law are imposed upon this department. Now, whether you provide a horse and carriage for that purpose or provide some other means of transportation for the inspector and his assistants is not material and can not be made subject to a point of order as long as the use of the vehicle is for a public purpose and that public purpose is a legal one.

Mr. MACON. Does the gentleman contend that if we had a paragraph in this bill providing that a flying machine should be purchased and maintained for the purpose of making inspections, it would be in order?

Mr. TAWNEY. That would depend altogether on whether the flying machine was adapted to that use. There is no question about the adaptability of this machine.

Mr. MACON. If the gentleman will allow me to use a little of my own time, I will state that I understand that this is a matter of convenience to this inspector. It is a convenient way for him to get from point to point. Some of us have to walk in going from our places of business to our homes and going to attend to our duties in the departments. According to the gentleman's contention, each Member of Congress could be provided with a motor machine with which to come to the Capitol every morning and could use it as he saw fit. We all know such a provision would be subject to a point of order, and, in my judgment, this is just as offensive to the rules as would be an appropriation to provide motor machines for Members of Congress to come here to attend to their duties as Representatives on this floor.

The CHAIRMAN. The Chair is very much in sympathy with what the gentleman from Minnesota [Mr. TAWNEY] has said as to the most economical way for inspectors and others to travel in the proper execution of their work. The present occupant of the chair believes that much time and money could be saved to the Government by a more general use of motor vehicles in its service, and is not seriously disturbed by the occasional abuse in their use by persons in official station. Speaking frankly, the present occupant of the chair, without the guidance of precedent, would be inclined to hold it to be in order to appropriate in a general appropriation bill for the purchase and maintenance of such vehicles when their use was clearly within the scope of the provisions of the bill. However, in the determination of the present point of order, the Chair is and should be governed by precedents, and the precedents appear to be the other way. Furthermore, if, as is contended, it is a matter that should be left entirely to the discretion of executive officials, it would seem unnecessary that this provision should be placed in an appropriation bill, specifying that so much may be expended for the purchase and maintenance of an automobile. In other words, if it were purely a matter of discretion of the officer there would be no necessity for him to come here at all for authority, but a lump sum might be appropriated and used by him for the purchase and maintenance of an automobile for proper uses. So far as the Chair is able to ascertain, there seems to be no specific authorization for the purchase and maintenance of an automobile for this purpose, and no such authorization having been brought to the attention of the Chair, the point of order is sustained.

The Clerk read as follows:

For 6.6-ampere, 528-watt, direct-current, series-inclosed arc lamps, $85 per lamp per annum.

Mr. BOWERS. Mr. Chairman, by direction of the committee I offer the following amendment:

Strike out, in lines 17 and 18, the words "eighty-five dollars" and insert "$72.50."

The CHAIRMAN. The gentleman from Mississippi offers a committee amendment, which the Clerk will report.

The Clerk read as follows:

Strike out, in lines 17 and 18, page 114, "$85" and insert "$72.50."

The CHAIRMAN. Without objection, the amendment will be agreed to.

There was no objection, and the amendment was agreed to.

The Clerk read as follows:

For 5-ampere, 550-watt, direct-current, multiple-inclosed arc lamps, $85 per lamp per annum.

Mr. BOWERS. Mr. Chairman, by direction of the committee, I offer the following amendment: In line 20 strike out the words "eighty-five dollars" and insert "seventy-two dollars and fifty cents."

The CHAIRMAN. The gentleman from Mississippi offers a committee amendment, which the Clerk will report.

The Clerk read as follows:

Line 20, page 114, strike out "$85" and insert "$72.50."

Mr. CULLOP. Mr. Chairman, I would like to ask the gentleman how many of these arc lamps there are in Washington.

Mr. BOWERS. I can not give the gentleman the number without looking at the hearings. With reference to this particular type of lamp, it is one which is being taken out and its place supplied by lamps of another character. This amendment reduces the price from $85 to $72.50. The purpose is not to hamper or tie the hands of the commissioners in the settlement which they are directed to make with the electric company. The beginning of the section reads:

During the remainder of the current fiscal year the price paid shall not be more than, etc.

Now $85 is the current price.

Mr. CULLOP. A very liberal one, no doubt.

Mr. BOWERS. And inasmuch as it is not up to the standard of candlepower contracted for, we do not want to tie the commissioners' hands by making them pay the full contract price, and the commissioners have suggested $72.50. Now, I think, I can give the gentleman the number of lamps. Your inquiry went to the arc lamps?

Mr. CULLOP. Yes; the ones this amendment covers.

Mr. BOWERS. There are 200 inclosed arc lamps; 214 magnetite arc lamps, underground wires; and 50 magnetite arc lamps, overhead wires.

Mr. CULLOP. Mr. Chairman, I desire to offer an amendment to the amendment, striking out "$72.50" and inserting "$50" in lieu thereof, and on that I want to be heard.

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

The Clerk read as follows:

Strike out of the amendment "$72.50" and insert "$50."

Mr. CULLOP. Mr. Chairman, there is not a city, I will undertake to say, in the whole country that is paying $85 per lamp for arc lights. It is unreasonable. There are more of them paying under $60 than there are paying over $60; and where the number is as large as it is here, $50 is a very liberal price, and one by which the company furnishing the light ought to and will make an enormous profit with the number they are furnishing. Therefore I hope the House will adopt my amendment to the amendment and make the price $50 an arc light instead of $72.50, as now provided. I doubt whether you could find another city in this country that would tolerate such an unreasonable price as has been paid here in this city.

Mr. BOWERS. Will the gentleman allow me? The present price is $85, and not $72.50.

Mr. CULLOP. I know it is $85; at least $35 higher than it ought to be, and at least $25 higher than in any of the larger cities, with perhaps one or two exceptions, in the whole country. It ought to be reduced to a reasonable price; one that is at least fair and just. The people all over the country are taxed for this unjust amount, and I can not sit here and refrain from protesting against it on behalf of the people I have the honor to represent. It is out of reason and it is unjust, and $50 per light is a very liberal price for the number of lights furnished, where it is as great as it is here in this city.

I believe in dealing with all questions of this kind fairly and justly, and I believe in dealing with the people, whose representatives we are, also fairly and justly, and the price fixed by my amendment is a fair and reasonable one to both; and for this reason I hope it will be adopted.

Mr. GARDNER of Michigan. Mr. Chairman, I should like to read, in answer to the gentleman's statement, from the hearing, page 53:

Maj. JUDSON. Here is what it costs in other cities: In Cincinnati they pay $60 for an overhead light and $72 for underground; their proposition here is $59 on overhead and $72.50 for underground.

Mr. SNAPP. What candlepower?

Maj. JUDSON. It does not give the candlepower, but it gives the wattage and the current; this is, in fact, a 700-candlepower light just like we have here now. New Orleans pays $85 and $69.

Mr. BURLESON. What about Cleveland, Ohio?

Maj. JUDSON. That is $54.06.

Mr. SNAPP. Is that all-night service?

Maj. JUDSON. That is a municipal plant. Milwaukee pays $65 by contract; Buffalo pays $75.

So far as the committee is informed, there is no city in the country that gets its lights for $50 a lamp for this kind of a lamp. I hope the amendment of the gentleman will not prevail.

Mr. WILSON of Pennsylvania. What is the candlepower of those lamps in the cities that the gentleman has just quoted?

Mr. GARDNER of Michigan. It is stated here to be about 700. It is the same as we get here.

Mr. CULLOP. I should like, in that connection, to ask the gentleman from Michigan, If other cities the size of Cincinnati and Cleveland are getting their lights for $60, why should the people of Washington pay $72.50? What reason is there that the price should be $12.50 higher here than in those other cities? There are cities much smaller than either of these that have been named, where the number of lights furnished are not nearly as numerous as they are here, where the price is less than $60. The cost of producing lights in this city can not exceed that of many of the cities named, because fuel is as close and transportation charges are not greater here than elsewhere. Many small cities, where the number of lights are less, and hence the cost of production higher, pay less even than $60 per light and have good service. We know in many cities the public lighting contracts are the subject of much scandal as the result of excessive payments for the same. I am of the opinion that the price fixed in my amendment is reasonable and just to both the lighting company and the people, and I hope it will be adopted.

Mr. GARDNER of Michigan. Cincinnati gets its coal very much cheaper than Washington does, but they pay $72.50 for underground wires there.

The CHAIRMAN. The question is on the amendment to the amendment offered by the gentleman from Indiana [Mr. CULLOP].

The question being taken, on a division (demanded by Mr. Cox of Indiana) there were—ayes 9, noes 19.

Accordingly the amendment to the amendment was rejected.

Mr. CULLOP. Mr. Chairman, I move now to make the price $60.

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

The Clerk read as follows:

Strike out of the amendment "$72.50" and insert "$60."

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

The question being taken, on a division (demanded by Mr. CULLOP) there were—ayes 13, noes 18.

Accordingly the amendment to the amendment was rejected.

Mr. COX of Indiana. I move to strike out "$72.50" and insert "$65."

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

The Clerk read as follows:

Strike out of the amendment "$72.50" and insert in lieu thereof "$65."

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

The question being taken, on a division (demanded by Mr. Cox of Indiana) there were—ayes 15, noes 17.

Accordingly the amendment to the amendment was rejected.

Mr. COX of Indiana. I move to strike out "$72.50" and insert "$70."

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

The Clerk read as follows:

Strike out of the amendment "$72.50" and insert "$70."

Mr. GARDNER of Michigan. Mr. Chairman, the amount of $72.50 is the basis believed to be agreed upon by the commissioners for the settlement of the claim with reference to these lights, and it is believed to be for the advantage of the District. I hope the amendment to the amendment will not be agreed to.

The question being taken, the Chairman announced that he was in doubt; and on a division there were—ayes 16, noes 18.

Accordingly the amendment to the amendment was rejected.

The CHAIRMAN. The question is on the committee amendment offered by the gentleman from Mississippi [Mr. BOWERS].

The question being taken, the amendment of Mr. BOWERS was agreed to.

The Clerk read as follows:

Hereafter the Commissioners of the District of Columbia shall not be required to execute contracts for gas and electric lighting.

Mr. JOHNSON of Kentucky. Mr. Chairman, I reserve a point of order in order to ask the chairman to please explain it.

Mr. TAWNEY. If the point of order is reserved to the paragraph read, I make the point of order that it comes too late; the Clerk had commenced to read the next paragraph.

The CHAIRMAN. The Chair thinks the gentleman from Kentucky was on his feet and was in time.

Mr. GARDNER of Michigan. The law now requires the District Commissioners to make contracts for three years. We think under the provisions of this bill it will enable them to secure better rates.

Mr. COX of Indiana. But you are going to make a permanent law of it.

Mr. JOHNSON of Kentucky. It says "hereafter," which means for all time. The language is that the commissioners are not to be required to make contracts for gas and electric light.

Mr. GARDNER of Michigan. The law requires them to make it for three years, and they believe they can do better by making it year by year.

Mr. COX of Indiana. That has not been the policy that we have been proceeding under in legislation. The policy is for extending the tenure of the contract.

Mr. TAWNEY. The gentleman knows that that is not the policy of the Government.

Mr. COX of Indiana. When the Post Office bill was up that was the policy.

Mr. TAWNEY. I understand that the law forbids any Government official to make a contract in relation to anything for more than one year; that is the general law.

Mr. STAFFORD. The rates carried in the section are limited to the remainder of the fiscal year and the next fiscal year, and that leaves it for Congress to fix the rate hereafter. If the commissioners, under the existing law authorizing a contract for three years, make a contract for that period, it would, of course, bind Congress.

Mr. COX of Indiana. Who is going to make the contract in regard to electric light?

Mr. STAFFORD. The Commissioners of the District of Columbia.

Mr. COX of Indiana. The language in the paragraph excludes the commissioners from making contracts.

Mr. TAWNEY. It excludes them from making a contract for more than one year.

Mr. STAFFORD. The paragraph leaves it more under the control of Congress to fix the rates for each succeeding year.

Mr. TAWNEY. I will say further that our experience and information is that the Government suffers more on account of long-time contracts than on annual contracts, because every year, if they are annual contracts, they are obliged to come to Congress for their appropriation.

Mr. COX of Indiana. I want to say that, as far as the Committee on the Post Office and Post Roads is concerned, we have been legislating on totally different lines, because the argument has been advanced to us and to our committee that to give a longer tenure of contract was an advantage to the Government.

Mr. TAWNEY. That is the tendency of all departments, to get long contracts, so that the Congress of the United States does not have the same supervision over the contracts when they have to come every year and get an appropriation for carrying out their contracts.

Mr. GARDNER of Michigan. I think I can say to the gentleman from Indiana that the electric-light company and the gas company would be very glad to see this go out of the bill.

Mr. COX of Indiana. I am not making any point of order; I simply wanted to get information in regard to it.

The CHAIRMAN. The point of order is withdrawn.

The Clerk read as follows:

Hereafter any gaslight company or any electric-light company doing business in the District of Columbia, which shall fail or refuse to furnish, erect, maintain, move, or discontinue any street lamp in compliance with the foregoing provisions as the Commissioners of the District of Columbia may direct, shall be subject to a penalty of $100 for each and every day's failure or refusal so to do, to be recovered at law in the name of the District of Columbia in any court of competent jurisdiction; and in addition thereto the Commissioners of the District of Columbia are hereby authorized to proceed by mandamus or any other legal or equitable remedy in the supreme court of the District of Columbia to compel and require any gas-light company or any electric-light company, and the officers thereof, to perform the provisions, duties, or requirements imposed by this act or the provisions of any contract made pursuant to this act: *Provided*, That for any such failure or refusal the Commissioners of the District of Columbia may prevent any further extensions of the offending company's mains, plants, or systems in the streets, roads, avenues, alleys, or public places in the District of Columbia.

Mr. JOHNSON of Kentucky. Mr. Chairman, I reserve a point of order against the paragraph. I want to ask the chairman if it would not be better, in line 12, to change the wording a little bit. It reads:

That for any such failure or refusal the Commissioners of the District of Columbia may prevent any further extension of the offending company's mains, plants, or systems, etc.

It seems to me that after the company has paid the fine, and has complied with the law and regulations, they should have the right to further extend their mains—when all the provisions have been complied with.

Now, I suggest that the word "for," in line 12, be stricken out and the word "while" substituted; and after the word "refusal," in line 12, and before the word "the," the word "exists" be inserted, so that it will read:

While any such failure or refusal exists the Commissioners of the District of Columbia may prevent any further extensions, etc.

Mr. TAWNEY. I think if the gentleman from Kentucky will consider the language which he proposes for a moment, he will not insist on it. This confronts the electric-light company as a penalty for not complying with the provisions of the conditions. Now, you propose to make it a penalty only so long as the failure to comply exists.

Mr. JOHNSON of Kentucky. They are subject to a fine of $1,000 a day.

Mr. TAWNEY. I think it is $100.

Mr. JOHNSON of Kentucky. After they have paid the fine and complied with the law, then they ought to have the right to go ahead.

Mr. TAWNEY. This language is used here for the purpose of deterring them, if possible, from violating conditions, because if they do not they are deprived of the right of any further extension of their mains.

Mr. JOHNSON of Kentucky. Under the present wording of the bill they have no appeal beyond such decision as the commissioners may arrive at. It occurs to me that this amendment——

Mr. TAWNEY. Of course, the gentleman's amendment would make it that much lighter on the electric-light company.

Mr. JOHNSON of Kentucky. They can not further extend under my proposed amendment until they have fully complied with all the requirements and paid all the fines. My amendment means that while any such failure or refusal exists the Commissioners of the District of Columbia may prevent, and so, Mr. Chairman, I offer the amendment.

The CHAIRMAN. The gentleman from Kentucky withdraws the point of order and offers an amendment.

Mr. MANN. Mr. Chairman, I renew the point of order, and I make it.

The CHAIRMAN. The paragraph is clearly legislation. The gentleman from Illinois makes the point of order and the Chair sustains the point of order, and the Clerk will read.

The Clerk read as follows:

SEC. 9. The Superintendent of the Capitol Building and Grounds may transfer apparatus, appliances, equipments, and supplies of any kind, discontinued or permanently out of service, to such other branches of the service of the United States, or District of Columbia, whenever, with the approval of the Secretary of the Interior, in his judgment the interests of the Government service may require it. A detailed statement of all such transfers shall be submitted in the annual report to Congress of the Superintendent of the Capitol Building and Grounds.

Mr. STAFFORD. Mr. Chairman, I reserve the point of order on the paragraph. I would like to inquire what appliances, equipments, and supplies the Superintendent of the Capitol Building and Grounds ordinarily will have to dispose of that would be of value to other departments of the Government.

Mr. GARDNER of Michigan. Mr. Chairman, as is well known, we have a number of institutions in the District that are supported by the General Government and the District on the half-and-half basis. It is also well known that there are constantly being made changes in buildings under the jurisdiction of the Superintendent of the Capitol. Now, in making those changes it occurs that many times valuable property ceases to be of current or future use.

Mr. STAFFORD. Will the chairman kindly specify the buildings in which there are frequent changes over which the Superintendent of the Capitol Building and Grounds has jurisdiction?

Mr. GARDNER of Michigan. I do not mean frequent changes in any one building, but in the various buildings. To illustrate: In the establishment of the plant for electric lighting and heating, down here near Garfield Park, there has been a release of two excellent boilers in fine condition. These boilers can be used to-day to great advantage down at the Home for the Aged and Infirm.

Mr. STAFFORD. Has the Superintendent of the Capitol Building and Grounds the control of the building to which the gentleman refers, near Garfield Park?

Mr. GARDNER of Michigan. Yes; it is under his direction. Now, he must, under the law, advertise those boilers for sale. It so happens that almost every time local dealers have gotten together and have made an agreement, and they have determined not to bid against each other, so that the best property that the Government could buy has often gone for a song, and we have had to go into the market and buy when we needed.

Mr. MANN. Is not this because of the readjustment of the lighting of the Capitol, and so forth?

Mr. GARDNER of Michigan. In that single instance; but down here where the Home for the Aged and Infirm is——

Mr. MANN. The Superintendent of the Capitol can not transfer that.

Mr. GARDNER of Michigan. No; but this authorizes him to make a transfer.

Mr. MANN. We have surplus or superfluous electrical apparatus, because of the changes we have made here.

Mr. GARDNER of Michigan. Yes.

Mr. STAFFORD. Mr. Chairman, in view of the explanation, I withdraw the point of order.

The Clerk then continued and read to the end of the bill.

Mr. GARDNER of Michigan. 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. TILSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration bill H. R. 31856, the District of Columbia appropriation bill, and had come to no resolution thereon.

WITHDRAWALS UNDER RECLAMATION ACT.

Mr. REEDER. Mr. Speaker, I ask unanimous consent to recommit Report No. 2003, in order that a mistake therein may be corrected and that it may retain its place on the calendar.

Mr. MANN. What is the report?

Mr. REEDER. It is the report on Senate bill 6842.

Mr. MANN. What is it about?

Mr. REEDER. A letter was placed in the report which was not intended to be placed in the report, and I want to place the proper letter in.

Mr. MANN. What is the report about?

Mr. REEDER. It is about a bill for permitting the withdrawal of notices under section 4 of the reclamation act, a bill that it is very necessary to have passed for several different projects. It is a bill reported unanimously by the House and passed by the Senate. This report simply has a letter in there which should not be there.

Mr. MANN. But the gentleman's request was to have this retain its place on the calendar.

The SPEAKER. The Clerk will report the title of the bill.

Mr. REEDER. I have not the bill, but the report.

The Clerk read as follows:

S. 6842. An act authorizing the Secretary of the Interior to withdraw public notices issued under section 4 of the reclamation act, and for other purposes.

The SPEAKER. The gentleman from Kansas asks unanimous consent that this bill may be recommitted for a correction in the report, and when again reported it shall take its same place on the calendar.

Mr. MANN. Mr. Speaker, reserving the right to object, the gentleman has not stated what the bill is. Is this the one that was recommitted a day or two ago?

Mr. REEDER. No, sir; it is another bill. It is a bill for the purpose of giving settlers a chance to pay in cases where the amount set to be paid is such that they can not pay it under present conditions.

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

Mr. PARSONS. Mr. Speaker, I ask unanimous consent on behalf of my colleague [Mr. BENNET] to submit the views of the minority on the bill (H. R. 15413) fixing a literacy test for immigrants.

The SPEAKER. The Clerk will report the title.

The Clerk read as follows:

A bill (H. R. 15413) fixing a literacy test for immigrants.

Mr. PARSONS. It is a bill introduced by Mr. GARDNER of Massachusetts, which fixes a literacy test for immigrants, and those are the views of the majority. (H. Rept. No. 1956, pt. 2.)

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

LEAVE OF ABSENCE.

By unanimous consent, Mr. SHEPPARD was granted leave of absence for one week on account of important business.

WITHDRAWAL OF PAPERS.

By unanimous consent, Mr. COX of Indiana was granted leave to withdraw from the files of the House, without leaving copies,

Also, a bill (H. R. 32227) granting an increase of pension to Elizabeth Welker; to the Committee on Invalid Pensions.

By Mr. BENNET of New York: A bill (H. R. 32228) for the relief of Albertina D. Koschel; to the Committee on Claims.

By Mr. BENNETT of Kentucky: A bill (H. R. 32229) granting an increase of pension to Nicholas Doran; to the Committee on Invalid Pensions.

By Mr. BORLAND: A bill (H. R. 32230) for the relief of the estate of William Morrison; to the Committee on War Claims.

By Mr. CANDLER: A bill (H. R. 32231) granting an increase of pension to Thomas B. McClane; to the Committee on Invalid Pensions.

By Mr. CARLIN: A bill (H. R. 32232) to carry into effect the findings of the Court of Claims in the case of Second Presbyterian Church, Alexandria, Va.; to the Committee on Appropriations.

By Mr. CULLOP: A bill (H. R. 32233) granting an increase of pension to Farling Duvall; to the Committee on Invalid Pensions.

By Mr. DICKINSON: A bill (H. R. 32234) for the relief of Abraham Smith; to the Committee on Military Affairs.

By Mr. FOSTER of Vermont: A bill (H. R. 32235) granting an increase of pension to James D. Haney; to the Committee on Invalid Pensions.

By Mr. GARNER of Pennsylvania: A bill (H. R. 32236) granting an increase of pension to Charles Shoppell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32237) granting an increase of pension to Charles Williams; to the Committee on Invalid Pensions.

By Mr. GRONNA: A bill (H. R. 32238) granting an increase of pension to Nelson W. Darrow; to the Committee on Invalid Pensions.

By Mr. HOWELL of Utah: A bill (H. R. 32239) for the relief of Thomas Haycock; to the Committee on Claims.

By Mr. HUGHES of New Jersey: A bill (H. R. 32240) granting a pension to Sophronia Vanderbeek; to the Committee on Pensions.

By Mr. KINKEAD of New Jersey: A bill (H. R. 32241) granting an increase of pension to Mary Brannin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32242) granting an increase of pension to Michael J. Looney; to the Committee on Invalid Pensions.

By Mr. LAW: A bill (H. R. 32243) granting an increase of pension to Hannah M. Allen; to the Committee on Invalid Pensions.

By Mr. McCALL: A bill (H. R. 32244) granting an increase of pension to George H. Thompson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32245) granting an increase of pension to Nelson F. Nice; to the Committee on Invalid Pensions.

By Mr. McCREDIE: A bill (H. R. 32246) granting an increase of pension to Charles Blaker; to the Committee on Invalid Pensions.

By Mr. McLAUGHLIN of Michigan: A bill (H. R. 32247) granting a pension to Henry Burt; to the Committee on Invalid Pensions.

By Mr. MACON: A bill (H. R. 32248) granting an increase of pension to George L. Causey; to the Committee on Invalid Pensions.

By Mr. MOON of Tennessee: A bill (H. R. 32249) granting an increase of pension to John J. Jackson; to the Committee on Invalid Pensions.

By Mr. O'CONNELL: A bill (H. R. 32250) granting a pension to Endavilla S. Dunnells; to the Committee on Invalid Pensions.

By Mr. POINDEXTER: A bill (H. R. 32251) authorizing the sale of the allotments of Nek-quel-e-kin, or Wapato John, and Que-til-qua-soon, or Peter, Moses agreement allottees; to the Committee on Indian Affairs.

By Mr. SMITH of California: A bill (H. R. 32252) granting an increase of pension to H. E. Cook; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32253) granting an increase of pension to Newton Coberly; to the Committee on Invalid Pensions.

By Mr. STEENERSON: A bill (H. R. 32254) granting an increase of pension to Peter Winsor; to the Committee on Invalid Pensions.

By Mr. STEPHENS of Texas: A bill (H. R. 32255) granting an increase of pension to Amanda Williams; to the Committee on Pensions.

Also, a bill (H. R. 32256) granting an increase of pension to Jane Riley; to the Committee on Pensions.

By Mr. SULLOWAY: A bill (H. R. 32257) granting an increase of pension to Eben R. Wadleigh; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32258) granting an increase of pension to Charles S. Campbell; to the Committee on Invalid Pensions.

By Mr. BURLEIGH: A bill (H. R. 32259) granting an increase of pension to Ella F. Morse; 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. ANSBERRY: Petition of O. McDowell, of Continental, Ohio, against a rural parcels-post system; to the Committee on the Post Office and Post Roads.

Also, petition of Leipsic (Ohio) Grange, No. 1664, favoring a parcels-post system; to the Committee on the Post Office and Post Roads.

By Mr. BURLESON: Petition of Iron Molders' Union, Local No. 145, of Columbus; Brotherhood of Railway Trainmen, Lodge No. 470, of Painesville; Iron Molders' Union No. 47, of Salem; Journeymen Plumbers and Gas Fitters, Local No. 485, of Lima; Club of Women Teachers, of Hamilton; Wellsville (Ohio) Division, No. 170, Brotherhood of Locomotive Engineers; International Brotherhood of Bookbinders, of Columbus, all in the State of Ohio; Sewing Club of Punxsutawney; Pleasant Hour Club, of Waynesburg; Brotherhood of Locomotive Firemen and Engineers, Lodge No. 646; Brotherhood of Locomotive Firemen and Engineers, Ormsby Lodge, No. 465, of Pittsburg; International Union of Steam Engineers, Local No. 95, of Pittsburg; International Molders' Union No. 34, of Scranton, all in the State of Pennsylvania; Providence Division, No. 57, Brotherhood of Locomotive Engineers, of Rhode Island; Woonsocket Central Labor Union, of Rhode Island; Olympia Typographical Union, No. 142, of Olympia, Wash.; Glass Bottle Blowers' Association, Branch No. 77, of Fairmont, W. Va.; Antigo Division, No. 462, Order of Railway Conductors, of Antigo, Wis.; and Economic Club of Neenah and Menasha, Wis., to repeal tax on oleomargarine and prevention of spread of disease in dairy products; to the Committee on Agriculture.

By Mr. COOPER of Wisconsin: Petition of Archie R. Dunwiddie and others, of Juda, Wis., against parcels-post law; to the Committee on the Post Office and Post Roads.

Also, petition of C. H. Babcock and others, members of the Merchants' Advancement Association, of Edgerton, Wis., against parcels-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. DAWSON: Petition of citizens and firms of Marengo, Oxford, Lone Tree, Monmouth, and Walcott, Iowa, against rural parcels-post service; to the Committee on the Post Office and Post Roads.

By Mr. DODDS: Petition of pastors' gathering at Greenville, Mich., for House bill 23641, the Miller-Curtis bill; to the Committee on the Judiciary.

By Mr. DOUGLAS: Paper to accompany bill for relief of Henry Burt; to the Committee on Invalid Pensions.

By Mr. FULLER: Petition of Daniel Thiel and others, of Pecatonica, and Thurber & Co., of Marseilles, Ill., against a parcels-post system; to the Committee on the Post Office and Post Roads.

Also, petition of the Seward (Alaska) Commercial Club, for legislation to open up the coal areas of Alaska; to the Committee on the Territories.

Also, petition of the American Embassy Association, for the Lowden bill, H. R. 30888; to the Committee on Foreign Affairs.

By Mr. HAMLIN: Petition of sundry persons of the seventh congressional district of Missouri, against a parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. HAMMOND: Petition of Edith H. Hall, of Worthington, Minn., against local rural parcels-post service; to the Committee on the Post Office and Post Roads.

Also, petition of M. L. Wahlert and 60 others, of Hardwick, Minn., against removal of duty on barley; to the Committee on Ways and Means.

Also, memorial of house of representatives of the State of Minnesota, relative to improvement in the post-office service; to the Committee on the Post Office and Post Roads.

By Mr. HANNA: Petition of citizens of North Dakota, against parcels-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of North Dakota on rural post-office routes, for the Hanna bill, H. R. 26791; to the Committee on the Post Office and Post Roads.

By Mr. HARDWICK: Paper to accompany bill for relief of the widow of Ethan Allen Hitchcock; to the Committee on War Claims.

By Mr. HAWLEY: Petition of many business firms of Portland, Oreg., against further hearings on Wickersham's fisheries bill; to the Committee on Interstate and Foreign Commerce.

By Mr. HAYES: Petition of certain organizations and citizens of San Francisco, against imprisonment for political reasons without trial; to the Committee on Foreign Affairs.

Also, petition of Mendenhall Co., F. L. Willard, Mose Levy, Congdon & Crane, James F. Farrell, Heath Hardware Co., J. R. Mathews, of Palo Alto, Cal., against parcels-post service on rural delivery routes; to the Committee on the Post Office and Post Roads.

By Mr. HUGHES of New Jersey: Petition of citizens of New Jersey, for San Francisco as site of Panama Exposition; to the Committee on Industrial Arts and Expositions.

By Mr. HUMPHREY of Washington: Petitions of citizens of Lawrence, Startup, and Seattle, Wash., against rural parcels-post delivery; to the Committee on the Post Office and Post Roads.

By Mr. KINKEAD of New Jersey: Petition of citizens of New Jersey, for construction of the battleship *New York* in a Government navy yard, as per the law of 1910; to the Committee on Naval Affairs.

By Mr. LAW: Petition of citizens of New York, favoring building of the battleship *New York* in a Government navy yard; to the Committee on Naval Affairs.

Also, petition of Kings County (N. Y.) Republican Club, for continuance of building war vessels in Government navy yards; to the Committee on Naval Affairs.

By Mr. LLOYD: Petition of Corporal Dix Post, No. 22, Grand Army of the Republic, against the Warner-Townsend bill; to the Committee on Military Affairs.

Also, petition of citizens of the first congressional district of Missouri, against a parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. LOWDEN: Petitions of citizens of Orangeville, Oregon, and Galena, in the State of Illinois, protesting against the parcels-post bill; to the Committee on the Post Office and Post Roads.

By Mr. McMORRAN: Petition of R. Peatts, of Port Sanilac, Mich., against a parcels-post system; to the Committee on the Post Office and Post Roads.

By Mr. MILLINGTON: Petition of Utica (N. Y.) branch of the Civil Service Retirement Association, against the Gillett bill for retirement of civil-service employees under certain conditions; to the Committee on Reform in the Civil Service.

By Mr. MOON of Tennessee: Papers to accompany bill granting an increase of pension to John J. Jackson, of Athens, Tenn.; to the Committee on Invalid Pensions.

By Mr. PRAY: Petition of 77 merchants and others, of Augusta, Fallon, Dodson, Martinsdale, Bonner, Belt, and Conrad, all in the State of Montana, against the establishment of a local rural parcels-post service; to the Committee on the Post Office and Post Roads.

By Mr. PUJO: Petition of Noble Furniture Co., F. S. Hemmenway, and Armand Levy, against a parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. ROBINSON: Petition of A. T. Catham Co. and others, against a parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. SHEPPARD: Petition of citizens of the first congressional district of Texas, against a parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. TAYLOR of Colorado: Paper to accompany bill for relief of Meyer B. Haas; to the Committee on War Claims.

By Mr. WANGER: Preambles and resolutions of Branch No. 10, Glass Bottle Blowers' Association of the United States and Canada, of Royersford, Pa., respecting tax on oleomargarine; to the Committee on Agriculture.

HOUSE OF REPRESENTATIVES.

SUNDAY, *January 29, 1911.*

The House was called to order at 1 o'clock p. m. by its Chief Clerk, Mr. Browning, when the following communication was read:

SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES,
Washington, D. C., January 29, 1911.

Mr. BROWNING, *House of Representatives.*

SIR: I hereby designate Hon. ROBERT F. BROUSSARD as Speaker pro tempore of the House of Representatives for this day, January 29, 1911.

J. G. CANNON,
Speaker, House of Representatives.

Mr. BROUSSARD took the chair as Speaker pro tempore.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D., as follows:

"*Hear my cry, O God; attend unto my prayer. From the end of the earth will I cry unto Thee, when my heart is overwhelmed; lead me to the rock that is higher than I.*"

In response to a natural impulse of the human heart, O God, our heavenly Father, we come to Thee in prayer as a fitting preparation to this memorial in honor of a deceased Member of this House. Though brief his career, it was highly commendable and promised larger possibilities, since he had served his State and Nation with singular ability and distinction. Cut off in the prime of life, we mourn him as a useful citizen, a faithful public servant, a Christian gentleman, a colleague, a friend, a husband, a father.

Grant, O most merciful God, that his life may be a cherished memorial to all who knew and loved him; and help them to look forward to a brighter day in a fairer realm, to the joy of an eternal reunion. And Thine be the praise, through Jesus Christ our Lord. Amen.

The Journal of the proceedings of Saturday, January 28, 1911, was read and approved.

EULOGIES ON THE LATE REPRESENTATIVE SAMUEL L. GILMORE.

The SPEAKER pro tempore. The Clerk will read the order of the day.

The Clerk read as follows:

On motion of Mr. BROUSSARD, by unanimous consent,

Ordered, That there be a session of the House at 1 o'clock p. m., Sunday, January 29, 1911, for the delivery of eulogies on the life, character, and public services of the Hon. SAMUEL L. GILMORE, late a Member of the House of Representatives from Louisiana.

Mr. DUPRE. Mr. Speaker, I offer the following resolutions (H. Res. 938), which I send to the desk and ask to have read.

The Clerk read as follows:

Resolved, That the business of the House be now suspended that opportunity may be given for tributes to the memory of Hon. SAMUEL L. GILMORE, late a Member of this House from the State of Louisiana.

Resolved, That as a particular mark of respect to the memory of the deceased, and in recognition of his distinguished public career, the House at the conclusion of these exercises shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk send a copy of these resolutions to the family of the deceased.

The SPEAKER pro tempore. The question is on the adoption of the resolutions.

The resolutions were agreed to.

Mr. DUPRE. Mr. Speaker, the mailed hand of death has knocked twice at the door of the second congressional district of Louisiana in little more than two years. Obeying the final summons, on December 26, 1908, Robert Charles Davey, long the faithful Representative of his people and the well-beloved associate of his colleagues upon the floor of this House, started on the long trail which leads—who can say whither?

Twelve months and seven thereafter, on July 18, 1909, his successor, SAMUEL LOUIS GILMORE, was himself called to undertake the same uncertain, yet inevitable journey. His tenure in this body was brief, and he did not have the opportunity to display those qualities of mind and heart which would unquestionably have assured him a high rank as a lawmaker and a fixed place as a companion and a friend; but for nearly two decades he was a commanding figure in Louisiana, at its bar and in its political arena, and he left in the State a host of admiring friends who have freely and generously testified in the public prints, before the courts, and in private intercourse, to the high order of his professional ability and to the unusual magnetism and charm of his striking personality.

One of those who knew him well, who for more than nine years was his assistant when he was city attorney of New Orleans, has all unworthily been chosen to fill his seat among you. To-day he asks your brief indulgence while in mayhap halting words, but in all sincerity and reverence, he offers a tribute to your dead brother and to his personal friend and political benefactor.

SAMUEL LOUIS GILMORE was a native Louisianian, having been born in New Orleans on July 30, 1859. He came of that gifted and versatile race which has fought successfully all battles but its own. His father, Thomas Gilmore, of north Irish birth, was a prominent member of the Louisiana bar, of cultured tastes and literary instincts. The latter tendencies were accentuated in his son, and he has often told me how the hours, supposedly devoted to preparation for school work, were spent in the well-stocked family library. In early youth he nurtured a consuming ambition for the stage; an ambition rudely blasted by his father, with that strange prejudice against the actor which from the earliest times has persisted almost to our own day. But the child is father to the man. Swerved from his own choice of a profession, all of his life he remained a close student of the great dramatic authors and an intelligent and analytical devotee of the contemporary stage.

His early education was received from private instructors, and later he was graduated from the New Orleans public high school. His collegiate course was completed at Seton Hall College, South Orange, N. J., an institution then and now standing high among sectarian colleges, where he received the degrees of bachelor and master of arts.