

COLLECTOR OF CUSTOMS.

Luke B. Colbert to be collector of customs for the district of Marblehead, in the State of Massachusetts.

UNITED STATES MARSHAL.

George L. Townsend to be United States marshal for the district of Delaware.

POSTMASTERS.

ARIZONA.

E. J. Lehman, Clifton.

GEORGIA.

Fred J. Allen, East Point.
Albert S. Anderson, Millen.
Nemie F. Awtrey, Lagrange.
Charles B. Beacham, Lumber City.
John H. Boone, Hazlehurst.
William J. Campbell, Fairburn.
William O. De Loache, Talbotton.
William E. Dunham, Cochran.
John W. English, Helena.
Augusta Glover, Monticello.
Lizzie Hamilton, Buford.
Mattie H. Hanson, Forsyth.
Edward A. Hollis, Reynolds.
Newton T. Jones, Pelham.
John C. Massey, Hartwell.
James W. Riley, Butler.
George P. Whigham, Bartow.
William M. Wilson, Blue Ridge.

NEW YORK.

John M. Brown, Port Jefferson.
Daniel L. Fethers, Sharon Springs.
Frank S. Kenyon, Adams.
Joseph J. Keenan, Potsdam.

NORTH DAKOTA.

W. C. Forman, jr., Hankinson.
John P. Grady, New England.
Charles Leathart, Fairmount.
Mathew Lynch, Lidgerwood.

PENNSYLVANIA.

Eva J. Beeman, Lawrenceville.

HOUSE OF REPRESENTATIVES.

THURSDAY, April 11, 1912.

The House met at 12 o'clock m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, let Thy kingdom come in all our hearts, that with clear perceptions of right and duty we may strive earnestly and sincerely to exemplify in our daily life and conduct the sublime principles enunciated by the Master and fulfilled in His incomparable life and character, and glory and honor and praise be Thine forever. Amen.

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

DUPLICATE ENGROSSED BILLS.

Mr. SHERWOOD. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the desk and ask to have read.

The Clerk read as follows:

House resolution 490.

Resolved, That the Clerk of the House of Representatives be instructed to request the Senate to furnish the House of Representatives duplicate engrossed copies of Senate bills 4314 and 4623, the originals having been lost or destroyed.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. MANN. Mr. Speaker, reserving the right to object, I have curiosity enough to want to know how so many of these bills get lost. We passed a resolution similar to this last night.

Mr. SHERWOOD. Two Senate pension bills were lost. I can not account for how they were lost. This is to supply duplicates.

Mr. MANN. Mr. Speaker, of course I shall not object, but what is the matter that we lose so many of these bills? We passed a resolution last night similar to this for one bill, and now comes a resolution for two this morning.

Mr. SHERWOOD. They were not lost in this office. They were never sent over.

The SPEAKER. The Chair will state to the gentleman from Illinois that the Speaker is informed that the Clerk of the

House holds receipts from the committee clerks for these bills. I do not know that that explanation explains, but it is stated in justice to the clerical force at the desk.

Mr. MANN. That in part satisfies my curiosity. I do not object.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on agreeing to the resolution.

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

NORWEGIAN ICE BREAKER "KIT."

Mr. HARDY. Mr. Speaker, I filed a report from the Committee on the Merchant Marine and Fisheries this morning on the bill (H. R. 17235) to grant American registry to the Norwegian ice breaker *Kit*, and I ask leave that the minority have five days within which to file their views (H. Rept. 523, pt. 2).

The SPEAKER. The gentleman from Texas asks unanimous consent that the minority of the Committee on the Merchant Marine and Fisheries have five days within which to file their views on the bill referred to. Is there objection?

There was no objection.

CONSTRUCTION OF POST ROADS.

Mr. HENRY of Texas. Mr. Speaker, I submit the following resolution from the Committee on Rules, and ask that it be read.

The Clerk read as follows:

Resolved, etc., That a joint committee of both Houses of Congress is hereby created, to be composed of three Members of the Senate, to be appointed by the President thereof, and three Members of the House of Representatives, to be appointed by the Speaker thereof. Any vacancy occurring on the committee shall be filled in the same manner as the original appointment.

The said committee is hereby empowered and directed to collect information and to make a thorough and complete investigation of the condition of the public highways in the several States of the Union, including the cost of transportation thereon; the improvement, construction, and maintenance of such public highways and the cost thereof; the cost of carrying the mail over such highways and the improvement of the mail service that may be obtained by the improvement of the post roads in the United States. The committee is hereby authorized and directed to report to the Congress all information obtained from such investigation, together with recommendations as to the advisability of the Congress granting national aid to the maintenance and building of post roads and national highways in the United States, and to make recommendations as to the proper legislation to be enacted by the Congress.

The said joint committee shall conclude its investigations and report to this Congress all the evidence taken and their findings and conclusions thereon. The sum of \$25,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay the necessary expenses of said joint committee, the sum to be disbursed by the Clerk of the House upon vouchers to be approved by the chairman of the committee.

Mr. MANN. Mr. Speaker, I make the point of order that the resolution is not a privileged resolution, and unless it can be called up at some time when gentlemen who may wish to be heard upon the subject are present, I shall object.

Mr. HENRY of Texas. Mr. Speaker, I have not offered it as a privileged resolution. I intended to ask unanimous consent for its present consideration, but if the gentleman intends to make that point of order—

Mr. MANN. Mr. Speaker, I think we ought to have a resolution of this sort, which is called up by unanimous consent, called up on unanimous-consent day, after the resolution has been reported and we have had an opportunity of seeing the resolution and the report.

Mr. SULZER. Mr. Speaker, will the gentleman from Texas yield for an inquiry?

Mr. HENRY of Texas. Certainly.

Mr. SULZER. Mr. Speaker, I desire to ask the gentleman if there is pending before the Committee on Rules a motion for a rule to make an amendment for a general parcel post in order to the pending Post Office appropriation bill? It is a matter of much moment to the people of the country, and I would like to know from the gentleman whether such a rule will be reported to the House ere the consideration of the Post Office appropriation bill is concluded?

Mr. HENRY of Texas. This is another matter, the gentleman understands.

Mr. SULZER. I am asking for information.

Mr. HENRY of Texas. I will state to the gentleman that the Committee on Rules has not yet considered the question about which he inquires, and there is now no way of knowing what they will do.

Mr. SULZER. When will the Committee on Rules take up the matter?

Mr. HENRY of Texas. Within the next few days.

Mr. SULZER. Before the Post Office appropriation bill is disposed of?

Mr. HENRY of Texas. Before the bill leaves the House I think it will be taken up.

Mr. SULZER. I hope the committee will speedily consider the matter and bring in such a rule. The people demand a general parcel post, and the quickest way to get it is by legislation on the Post Office appropriation bill.

The SPEAKER. There is no question that this resolution is not privileged.

Mr. HENRY of Texas. I concede for the present it is not privileged.

Mr. MADDEN. Mr. Speaker, will the gentleman from Texas yield for a question?

Mr. HENRY of Texas. Yes.

Mr. MADDEN. I would like to ask the gentleman whether, in the preparation of this resolution, while the committee was considering the propriety of building highways in rural districts at Federal expense, he or the members of the Committee on Rules gave any consideration whatever to the propriety of investigating the necessity for building out of the Federal Treasury streets used for the delivery of mails in the great cities of the country, and whether this resolution contemplates the ascertainment of facts in connection with the construction of streets in cities like New York, Chicago, Buffalo, Cleveland, and the other great cities of the country?

Mr. HENRY of Texas. Of course the gentleman's question is very far-reaching. We have left that to the proposed committee.

Mr. MADDEN. I noticed in the reading of the resolution that no mention was made of highways in cities used for the delivery of mail.

Mr. PAYNE. Mr. Speaker, if the gentleman will permit, I would like to suggest that the streets of the cities are usually good enough for the automobiles to get through, and there has not been the pressure from the automobile manufacturers in regard to the city streets that there has been in regard to the country roads.

Mr. HENRY of Texas. Mr. Speaker, seeing there might be some slight objection, I withdraw the resolution.

The SPEAKER. The gentleman withdraws the resolution. This is District of Columbia day.

CONCEALED WEAPONS.

Mr. JOHNSON of Kentucky. Mr. Speaker, I desire to call up the bill H. R. 14094, on the House Calendar.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 14094) declaring the carrying openly or concealed about the person any pistol, bowie knife, dirk or dirk knife, blackjack, dagger, sword cane, slung shot, brass or other metal knuckle; and any person or persons having any of said weapons or instruments concealed about the person or carrying the same openly in the District of Columbia shall be deemed guilty of a felony, and, upon conviction thereof, shall be imprisoned in the penitentiary for not less than one year nor more than three years: *Provided*, That prosecutions under this act shall be had by indictment in the Supreme Court of the District of Columbia: *And provided further*, That the officers, noncommissioned officers, and privates of the United States Army, Navy, or Marine Corps, police officers, officers guarding prisoners, officials of the United States or the District of Columbia engaged in the execution of the laws for the protection of persons or property, when any such persons are on duty, shall not be liable under this act.

Be it enacted, etc., That it shall be unlawful for any person or persons within the District of Columbia to have concealed about their person or to carry openly any pistol, bowie knife, dirk or dirk knife, blackjack, dagger, sword cane, slung shot, brass or other metal knuckle; and any person or persons having any of said weapons or instruments concealed about the person or carrying the same openly in the District of Columbia shall be deemed guilty of a felony, and, upon conviction thereof, shall be imprisoned in the penitentiary for not less than one year nor more than three years: *Provided*, That prosecutions under this act shall be had by indictment in the Supreme Court of the District of Columbia: *And provided further*, That the officers, noncommissioned officers, and privates of the United States Army, Navy, or Marine Corps, police officers, officers guarding prisoners, officials of the United States or the District of Columbia engaged in the execution of the laws for the protection of persons or property, when any such persons are on duty, shall not be liable under this act.

Sec. 2. That so much of any section of the act approved May 11, 1898, entitled "An act to punish the carrying or selling of deadly or dangerous weapons within the District of Columbia, and for other purposes," which is inconsistent with this act, and only so far as the same may be inconsistent herewith, is hereby repealed.

The committee amendments were read, as follows:

Page 1, line 3, strike out "or persons."

Page 1, line 4, insert between the words "concealed" and "about" the words "upon or."

Same page, same line, strike out the word "their" and insert in lieu thereof the word "his."

Page 1, line 5, strike out the words "or to carry openly."

Same page, same line, strike out "dirk knife" and insert in lieu thereof "clasp knife."

At the end of line 5, page 1, insert "razor."

Line 7, page 1, after the word "knuckle," insert ", or other deadly weapon."

Same line, strike out "or persons."

Line 8, after the word "concealed" insert "upon or."

Same line, strike out "the" and insert in lieu thereof "his."

At end of line 8 and at line 9 strike out "or carrying the same openly" and insert in lieu thereof the word "while."

Line 10, insert semicolon after the word "felony." Same line, insert a comma after the word "and." Same line, insert a comma after the word "thereof."

Page 2, line 2, insert a period after "years." Same line, strike out "Provided, That." Same line, use a capital P in the word "prosecutions."

After the word "Columbia," line 4, insert a period. Same line, strike out "And provided further."

Strike out all of lines 5 and 6, page 2, except the word "police" at end of line 6, and spell that word with a capital P.

Page 2, line 7, insert the word "legal" before the word "prisoners." Same line, strike out "officials of the." At line 8, after the word "States," insert "marshals and their deputies." After the word

"States," strike out all in said line 8, as well as all of line 9 and all of line 10 to and including the word "duty," and insert in lieu thereof "marshals and their deputies while actually on official duty."

Strike out all of section 2.

Add to the bill the following:

"Any knife having a blade longer than three inches shall be deemed to be a deadly weapon."

"So much of any act as empowers anybody or any court to authorize anyone to carry a concealed deadly weapon."

Sec. 2. This act shall take effect and be in force from and after its passage."

Mr. JOHNSON of Kentucky. Mr. Speaker, this bill as originally introduced by the gentleman from Tennessee [Mr. SIMS] made it a felony for anyone to carry arms openly. The Constitution provides that arms may be borne openly, and the committee has stricken out all of that part of the bill with reference to the bearing of arms openly and have confined it alone to the carrying of concealed deadly weapons. The committee is of the opinion that this is an important bill, and this being the National Capital, that a law ought to be framed, and a stringent one, which might at some future time be adopted by all the States. It is already a misdemeanor to carry concealed deadly weapons in the District of Columbia, but it does not prohibit it. Deadly weapons are still being carried in the District of Columbia and frequently fines are assessed on that account. This bill makes it a felony to carry a concealed deadly weapon, and if it could make it more I would support it much more heartily. Those who have grown up in sections of the country where the carrying of concealed deadly weapons is engaged in are those who most earnestly strive to strike it down, and I believe that if it is made a felony in the District of Columbia to carry concealed weapons, a man feeling that everybody else is disarmed will go disarmed himself, and I believe making it a felony will disarm everybody in the District of Columbia. For these reasons I am most earnestly advocating the passage of the bill just as it is. I reserve the remainder of my time, and yield to the gentleman from Tennessee [Mr. SIMS] 10 minutes.

Mr. SIMS. Mr. Speaker, I introduced this bill, and anyone can see, if he will read the bill without the amendments, just how it was introduced. The committee have put in certain amendments after investigating the matter, and I do not desire to contend with the committee as to those amendments, but I certainly do most seriously advocate making it a felony to carry the weapons covered by this bill in the District of Columbia, except by those who are authorized by law to carry such weapons. Now, many years ago in the State of Tennessee there were carried by some citizens what was then known as bowie knives, which was made a felony to so carry. And after it was made a felony to carry that knife it was no longer carried, because you could not defend yourself even if you carried it. To defend yourself from deadly assault you were still liable to a felony for carrying it. In this Capital of the Nation, where one President of the United States has been shot down in a public railway station by a man carrying a concealed weapon, anybody without incurring more than a misdemeanor penalty can go around this Capital with deadly weapons in his pocket covered by the bill, with which, from the highest officer of the land, from the President himself down to the humblest citizen, he may shoot down and murder, I say it is a sad commentary upon our civilization that Congress will sit here and permit that which we can prevent and which can not possibly be of any use to any law-abiding citizen.

Like the gentleman from Kentucky [Mr. JOHNSON] said, if no person could carry a pistol without committing a felony, then it would not be necessary for gentlemen to carry pistols to protect themselves, because men would not take the risk. Even the burglar would not take such a risk. Look down in the State of Virginia where, a few days ago, a judge was shot down and several other persons killed by men present with deadly weapons concealed in their pockets. If it had been a felony to carry such weapons, in all probability, that crime would not have been committed. You can see when a man has a shotgun or a rifle or a sword in his hand. You can get out of his way or protect yourself from him, but from the man who carries a concealed weapon in his hip pocket or elsewhere there is no way to protect yourself, and there is no need at this day and time for any such weapon being carried in the District of Columbia or any other city. And when you make it a felony to carry such a weapon you will not need to carry it by reason of persons who may carry them in violation of law, for they will not carry them.

It was proven by the bowie-knife experience in Tennessee. It will be the same way here. And, further, it will stop the killing of persons innocently by reason of the pistol that is loaded and not known to be loaded. It has been only a few years since a boy killed a playmate here in just that way. There have been many homicides in the District of Columbia since I have been a Member of this body that would not have

taken place had it not been that it was a mere misdemeanor to carry a concealed weapon. We do not need them. More people are killed accidentally by reason of the carrying of these weapons than have ever been saved from being killed by reason of having such weapons. Here we have the whole power of the Army and Navy for our defense. Here we have as effective a police force as any in the world for our defense; therefore people do not need to have pistols in their pockets except as provided in this bill.

I will vote for the bill even as amended.

Mr. HARRISON of Mississippi. I notice in the bill there are some exceptions as to deputies and marshals while actually engaged in their duties, providing that they can carry a pistol if concealed. Is there any exception drawn from any previous bill as to people whose lives have been threatened? Can they carry a pistol?

Mr. JOHNSON of Kentucky. The latter portion of the bill expressly sets that out.

Mr. SIMS. If a man can go up and make an affidavit that he thinks his life is in danger, and wants to carry a pistol, then men will do the same thing when they think their life is in danger when they want to commit a crime. I think it is wrong that such a thing exists now. But as long as anybody is allowed to carry a pistol or concealed weapon as described in this bill, they may not need to make an affidavit. But when nobody is allowed to carry concealed weapons without going to the penitentiary, people will know that they will not need to protect themselves against such threatened crimes, and we ought to set an example here to every city in this country by making it a felony for the citizen or anyone else, except an officer of the law in the discharge of his duty, by preventing people going around as a walking arsenal in this year of grace 1912.

I hope there will be no opposition to this bill. I hope that no gentleman in this House feels that he will ever need to carry a pistol in the discharge of his duty in this House or this Capital. I am confident that no man has ever done so here voluntarily, and no man has ever done so here who would have done it if he knew he was protected by a law that kept everybody else from doing it. Whenever you make it a felony to carry a concealed weapon, unless you are in the exempted classes, you will have no fear of some other man carrying a pistol to commit a wrong, the punishment for which perhaps is not so great as applies to the simple carrying of the weapon.

I do not know whether I have used all my time or not, Mr. Speaker. If I have not, I yield back the balance to the gentleman from Kentucky [Mr. JOHNSON]. How much time have I remaining?

The SPEAKER. Two minutes.

Mr. SIMS. I yield it back to the gentleman from Kentucky [Mr. JOHNSON].

The SPEAKER. The gentleman from Tennessee [Mr. SIMS] yields back two minutes.

Mr. MANN. I would like a few minutes.

Mr. JOHNSON of Kentucky. How much time does the gentleman want. I will yield all you wish.

Mr. MANN. I will not take very long.

Mr. JOHNSON of Kentucky. I will yield whatever time the gentleman wants.

Mr. MANN. Mr. Speaker, I never have carried any of these concealed weapons myself, but it strikes me that this bill is rather drastic in its terms. A man who would purchase a case knife, a table knife, at a store in this town and put it in his pocket to take it home under this bill would be subjected to imprisonment for one year in the penitentiary, with no discretion on the part of the judge. I suppose that is not intended?

Mr. SIMS. Oh, no. It is not carried as a weapon in that case. A case knife is not described in the bill.

Mr. MANN. Oh, yes; a case knife is described in the bill—any knife having a blade longer than 3 inches shall be deemed to be a deadly weapon.

Mr. SIMS. That is an amendment by the committee.

Mr. MANN. And every man that carries a deadly weapon is subject, upon conviction, to imprisonment in the penitentiary for not less than three years. A man carrying home a razor that he had purchased and putting it in his pocket would be committing a felony, and if indicted for it there would be no escape from conviction and punishment by the court. This gives no discretion to the court.

Mr. CRUMPACKER. Mr. Speaker, will the gentleman allow a question?

The SPEAKER. Does the gentleman yield?

Mr. MANN. Certainly.

Mr. CRUMPACKER. Under the bill would a man be guilty of a crime if he would carry a razor with a blade about 2½ inches long?

Mr. MANN. Under the bill a man would be guilty of a crime if he carried a razor at all of any length.

Mr. CRUMPACKER. I understood the gentleman to say that the bill defined a knife to mean—

Mr. MANN. It defines any knife with a blade longer than 3 inches as a deadly weapon, and after enumerating razors and other deadly weapons it includes them under the generic term "deadly weapons."

Mr. NORRIS. Does that include safety razors? [Laughter.]

Mr. MANN. I suppose it would.

Mr. CRUMPACKER. I suppose it covers razors generally without regard to the length of the blade.

Mr. MANN. The bill prohibits the carrying of any pistol, bowie knife, dirk or dirk knife, blackjack, dagger, sword cane, slung shot, brass or other metal knuckle, with the amendments carried by the committee—clasp knife, razor, and so forth, or other deadly weapon.

Now, I do not know just what the provisions now are with reference to the carrying of deadly weapons. I believe we ought to have a strict law on the subject.

Mr. YOUNG of Kansas. Mr. Chairman, will the gentleman yield for a question?

The SPEAKER. Does the gentleman from Illinois yield to the gentleman from Kansas?

Mr. MANN. Certainly.

Mr. YOUNG of Kansas. The carrying of a deadly weapon under this bill would not be a penal offense unless the person carrying it attempted to conceal it?

Mr. MANN. He would not have to attempt to conceal it if he put it in his pocket where it would be concealed.

Mr. YOUNG of Kansas. If he concealed it he would be amenable to the law, and not otherwise.

Mr. MANN. If a man puts it in his pocket it is concealed. If it is covered with paper so that it is not observable it is concealed. That is not a matter of possible argument. If it were not concealed the bill would be of no value.

It seems to me that, in any event, instead of providing that upon conviction a person shall be imprisoned in the penitentiary for not less than one year, the court ought to have discretion as to the length of time. In the criminal code, which we revised a few years ago, we absolutely struck out in every place the provision fixing the minimum penalty of imprisonment and fixed the maximum, leaving it to the discretion of the court to determine what the minimum should be. I think we have not incorporated that provision anywhere else.

We have pending in the other body a bill, favorably reported, which would send to punishment Members of this House and of the other body in reference to the use of the Congressional Library. I obtain from the Congressional Library five or six books every week, delivered at my home. They are returned every week, in my opinion; I am quite certain of it. But at the end of every term of Congress for years I have received a notice from the Librarian that certain books which had been sent to me had not been returned. A bill is pending, which will soon be over here—I believe it has been introduced into the House, and I see it was favorably reported the other day by the District Committee in the House; a report has not been made yet, if so ordered—which makes that punishable, not if I willfully detain a book, but if I get the book and do not return it, although it may have been destroyed by accident.

Passing penal provisions of this sort may be great annoyance to the people who are innocent, and they usually result in the guilty people escaping, because while a man may be indicted for carrying home a razor if somebody wishes to take revenge upon him no ordinary jury would convict a person and adjudge him guilty of a crime and send him to the penitentiary for it.

Mr. GRAHAM. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Illinois yield to his colleague?

Mr. MANN. Certainly.

Mr. GRAHAM. So far as I know, the law in every State has in it provisions similar to this proposed law, except as to the punishment. The carrying of deadly weapons concealed is a misdemeanor only. Now, does the gentleman from Illinois, my colleague, know of any cases where men were unjustly punished for this misdemeanor, as, for instance, the carrying of a table knife concealed, or anything of that sort?

Mr. MANN. I think there is no case in any of the States where they define as a deadly weapon a knife having a blade longer than 3 inches, without any further description than that.

Mind you, I am in favor of making the carrying of deadly weapons very objectionable to those who have heretofore carried them, so that it will not be done; but if we fix the law so that it is too extreme the result will be that in the end it will come to be violated with impunity.

Mr. GRAHAM. It seems to me that the only difference between this and most existing laws on the subject is in the severer punishment provided here.

Mr. MANN. I think that is the main difficulty.

Mr. SIMS. The amendment which the gentleman speaks about, as to the length of the knife blade, is a committee amendment. The gentleman thinks that amendment is too drastic. Would that prevent anybody to be punished who violated the law by carrying the other weapons mentioned, like the pistol, the dirk, the slung shot? Would the whole law fall because the prohibited length of a knife blade might, in the gentleman's opinion, be too short?

Mr. MANN. I do not think the law would fall at all. I was calling attention to the drastic penalties provided in the bill, which might subject entirely innocent people to imprisonment, with no right on the part of the court to do otherwise.

Mr. SIMS. Does not the gentleman have reason to believe that if a man bought a razor and carried it home, he would not be convicted either by a jury or a court of having committed an unlawful act?

Mr. MANN. I think it is not unlawful. I have reason to believe that if I purchased a razor and carried it home nobody would suspect me. [Laughter.]

Mr. SIMS. But there are some people who buy and carry razors as weapons, and use them as such.

Mr. MANN. If I should carry a razor home and use it, I do not know but I ought to be punished.

Mr. CANNON. Does the gentleman think the words "a blade longer than 3 inches" might be considered a provision to promote the use of safety razors? [Laughter.]

Mr. MANN. I think the "blade longer than 3 inches" does not apply to a razor. I had hoped that the gentleman from Tennessee [Mr. Sims] and the gentleman from Kentucky [Mr. Johnson] would be willing to amend the bill so as to provide that the punishment should not exceed a certain amount of fine or a certain term of imprisonment, or both, in the discretion of the court.

Mr. SIMS. In other words, the gentleman wants to make it simply a misdemeanor, which it is now, and which does not protect the people against pistol carriers.

Mr. MANN. I am perfectly willing not to define it either as a misdemeanor or a felony, but to leave it so that the court can inflict the three-year punishment, but so that the jury and the court are not required either to acquit a man or to send him to the penitentiary for one year, when nobody would believe in certain cases that it ought to be done.

Mr. JOHNSON of Kentucky. Mr. Speaker, several gentlemen have spoken of this bill as being very drastic. If it is not very drastic, then the committee have utterly failed in their purpose, because the purpose of the committee was to make it drastic. Unless it is made drastic, this practice of carrying concealed deadly weapons here will not be broken up, and to make it a felony is the only way to break it up. To make it a felony will disarm every man; and when we disarm every man, then no man can have any excuse for even wanting to carry a deadly weapon.

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

Mr. JOHNSON of Kentucky. I will.

Mr. GRAHAM. Is there any overpowering reason why the minimum punishment may not be made lower?

Mr. JOHNSON of Kentucky. As suggested by the gentleman from Tennessee [Mr. Sims], it might not be a felony then, and so far as I am concerned personally, I would rather see the minimum five years than one.

Mr. GRAHAM. Cases might arise where gross injustice would be done to some one who was really guilty under the law by sending him to the penitentiary for a year. I can conceive of cases where three months, or one month, might be punishment enough. Now, would not the bill, if it becomes a law, be more likely to be enforced by juries and courts if you give a wider latitude in the punishment?

Mr. JOHNSON of Kentucky. I think not; that has been tried in Kentucky, where we have a statute making this very offense punishable by both fine and imprisonment, and in the punishment for every conviction imprisonment goes with the fine; yet it has not broken up the practice, and it is now being agitated by all the press in Kentucky to make this offense a felony, believing that will break it up. I wish to see it started right here.

Mr. MANN. Will the gentleman yield?

Mr. JOHNSON of Kentucky. Certainly.

Mr. MANN. The gentleman from Kentucky and the gentleman from Tennessee refer to the matter of felony. I am not going to define what a felony is at this time. I call the attention of the gentleman to the fact that when we passed the codi-

fication of the criminal code in the Sixtieth Congress, one of the very distinguished members of the committee [Mr. SHERLEY], being a colleague of the gentleman from Kentucky, we undertook to carry through, and did carry all through that bill, not a distinction between a misdemeanor and a felony, not provisions fixing the minimum penalty, but provisions like this. I am only reading the penalties for the various offenses, to which I opened by accident on this page.

Sec. 61. * * * Shall be fined not more than \$500 or imprisoned not more than 90 days, or both.

Sec. 62. * * * Shall be fined not more than \$1,000 or imprisoned not more than five years, or both.

Sec. 63. * * * Shall be fined not more than \$10,000 or imprisoned not more than three years.

Sec. 64. * * * Shall be fined not more than \$5,000 or imprisoned not more than two years, or both.

That form of penalty runs all through the criminal code, and has been substantially carried in most of the penal provisions or laws since that time. Does the gentleman think that there is any occasion here for departing from that theory of the criminal code?

Mr. JOHNSON of Kentucky. I do not care how it is expressed, so that the minimum penalty is a very severe one.

Mr. MANN. The way it is expressed all through the code fixes no minimum penalty at all. I think there is not a minimum penalty fixed in any provision in the criminal code either for counterfeiting or anything else.

Mr. JOHNSON of Kentucky. The intention of this bill is to make a minimum penalty and make it severe, so that these matters may not be lightly treated and so that the court will have to impose a severe penalty, though it be the minimum.

Mr. MANN. Then the gentleman thinks that in the matter of carrying a deadly weapon we ought to depart from the policy agreed upon and heretofore fixed by the action of Congress on these matters?

Mr. JOHNSON of Kentucky. I think so, because it is intended to deprive the court of the power to exercise leniency, which too often happens.

Mr. SIMS. With many men who carry pistols a fine would be no punishment.

Mr. DIXON of Indiana. Will the gentleman yield?

Mr. JOHNSON of Kentucky. Certainly.

Mr. DIXON of Indiana. In some States they have an exception that a traveler has the right to carry a pistol. You have no such exception.

Mr. JOHNSON of Kentucky. No; and I do not think we ought to have.

Mr. DIXON of Indiana. Did the committee consider that proposition?

Mr. JOHNSON of Kentucky. Yes; but I think if a man goes into your State he ought not to be permitted to carry a pistol any more than you who live there.

Mr. BARTHOLOTT. Will the gentleman yield?

Mr. JOHNSON of Kentucky. I will.

Mr. BARTHOLOTT. Under the present law what authority grants the customary permit to carry concealed weapons? I understand it is the custom to grant permits to persons to carry concealed weapons.

Mr. JOHNSON of Kentucky. Yes; and I understand it is greatly abused.

Mr. BARTHOLOTT. Do the commissioners grant them?

Mr. JOHNSON of Kentucky. They are granted by the court for 30 days at a time and often renewed.

Mr. BARTHOLOTT. I notice that there is a provision in this bill which does away with that.

Mr. JOHNSON of Kentucky. Yes; we do not want to permit anybody to carry concealed weapons, except it be an officer authorized to make arrests.

Mr. BARTHOLOTT. Another question. This bill evidently only applies to males.

Mr. JOHNSON of Kentucky. The gentleman will understand that the word "his" is male, but it applies to the genus homo, both to a male man and to a female man.

Mr. BARTHOLOTT. I merely want to suggest that it ought to embrace both male and female.

Mr. MANN. Under the provisions of the first chapter of the Revised Statutes that is so.

Mr. JOHNSON of Kentucky. Mr. Speaker, I yield five minutes to the gentleman from Mississippi [Mr. Sisson].

Mr. Sisson. Mr. Speaker, I want to call the attention of the House to some views I have on the matter. I do not suppose any Member of the House is more opposed to carrying concealed weapons than am I. I introduced a bill putting an internal-revenue tax on the manufacture and sale of these weapons.

Now, I can not advocate such a bill with my views of the Constitution, but if Congress is willing to apply the same prin-

ciples as were applied in the bill that was passed to destroy certain match factories the other day, you have a remedy that will be effectual and permanent and forever prevent carrying concealed weapons, and will break the evil up, root and branch.

The Constitution of the United States guarantees to a man the right to bear arms. The courts have held that the legislature can prescribe the manner in which arms may be carried, but neither a State legislature nor Congress can pass a law forbidding entirely the carrying of arms.

But I call the attention of the House to this provision of the Constitution:

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Of course, if we take the general view that the mind of Congress may determine absolutely what is an unusual punishment, without leaving it to the court, that provision of the Constitution might just as well not have been written, and for that reason all the criminal statutes that I know of in all the States of the Union, and, so far as I have examined, all the statutes defining an act to be a crime under the Federal Government, leave a wide discretion in the court so that he may not inflict nor be compelled to inflict upon the citizen a cruel and unusual punishment. I do not believe that the concealed-weapon law has operated well throughout the country.

I have always voted for a concealed-weapon law, and if a man is a habitual criminal, a habitual thug, a habitual thief, he ought to be punished as such, and the punishment in his case should be severe; but with the boy or the man who is not a criminal, the man who has never been charged with a crime, the same punishment would be severe and unusual. The young man in the country who might put a concealed weapon in his pocket, under this bill, would be branded as a felon before the country and his whole future destroyed. In many instances this punishment would not only be cruel, but it would be inhuman, and I believe that that provision of the Constitution should control us in making this bill, so that the court might be vested with a discretion in order that the punishment might not be cruel and unusual and degrading, and so that it would not destroy a young man's future hope and happiness. I believe that the laws of the land ought to be so framed that they will make men better, and they will observe them. Punishment in one instance might be good, when it is mildly inflicted, and in another it might destroy a man's regard for the law and peace and quiet. I do not believe that punishment ought ever to be inflicted under the law for the sole and express purpose of injuring an individual. The purpose of punishment is that it may be an example to others; that it may cause others to cease to commit crime. There is no Indian revenge in the enforcement of law, and there ought not to be. Law ought to be enforced with the idea that it will preserve law and order, and deter other men from the commission of like crimes. I sincerely trust that when the House shall vote upon this bill it shall have in it such an amendment as that suggested by the gentleman from Illinois [Mr. MANN], and Congress will then be doing a sane and rational thing.

The question suggested by my colleague from Mississippi [Mr. HARRISON] is also worthy of consideration on the part of the House. In all the States that I know of the question of whether or not a man's life is in danger and whether a man's life has been threatened is always a matter of defense. In my own State the law is that no man has a right to get a permit to carry a concealed weapon. Such permission can now be obtained under the law in the District of Columbia, but where a man's life has been threatened, he must not only prove that, but more—that he has a good and sufficient reason to believe that he is in danger. It is a matter of defense. He must prove his defense before the jury. In this case the thug who cares nothing about the law may put a pistol in his pocket, and the law-abiding citizen, however mild the punishment might be, would not want to carry the weapon. If he is willing to take chances, if he is willing to say on oath, "I believe my life is in danger," if he is a reputable and good citizen and can go further and show that a dangerous man has threatened to take his life at any time he may see him, and that should be believed by the jury as a matter of defense, then, as long as that danger was impending, as long as that danger surrounded him, the law ought not to take away from the man that God-given right to defend his own existence.

Mr. JAMES. Mr. Speaker, will the gentleman yield for a question?

Mr. SISSON. Certainly.

Mr. JAMES. A person whose life has been threatened and who would go and make oath to it in order to get the right to carry a concealed weapon would have an equal right to swear

out a peace warrant against a man who threatened to take his life.

Mr. JOHNSON of Kentucky. And he has that right in the District of Columbia.

Mr. JAMES. And he could have the one who threatened his life put under bond to keep the peace. He would not have to kill him. He could have the man put in jail, and would that not be a better remedy?

Mr. SISSON. Under this bill no such right as that would be given.

Mr. JOHNSON of Kentucky. I will say to the gentleman from Mississippi that under the laws of the District of Columbia when a man does threaten the life of another he can be punished for a great length of time; he can be put in prison for a longer time in the District of Columbia than in any other place in the Union that I know of. If a man threatens the life of another, he can be indicted and tried, convicted, and imprisoned.

Mr. SISSON. That may be true, but let me tell the gentleman that I shall never, as long as I live under this free flag, feel that I am compelled to go and have a man incarcerated in order that I may be safe from an attack of another man.

Mr. JOHNSON of Kentucky. Then the gentleman would prefer to take the law in his own hands rather than have a law which prevents him being put in that position?

Mr. SISSON. I do not, but I do not want the statute so written that good men will frequently be compelled to take the law in their own hands.

Mr. JAMES. The remedy the gentleman should observe is that the law steps in and takes charge of this man who wants to take human life. It does not say to him, go and get a pistol; we give you that right, and perhaps the man will go and kill him, but the law can step in and take that man in charge and save life. Is not that a better remedy than to allow the man to go out and get a pistol?

Mr. SISSON. The law never will say to any man, take a pistol and go kill him; but the law in nearly all the States I know permits a man if he shall be caught with a pistol on to make as a defense under the Constitution that his life was in danger.

Mr. JAMES. I will say where a man's life is threatened and he goes before a justice of the peace or county judge and makes oath that this man has threatened his life, then a warrant issues for this man to be brought before the court, and if it is shown that he has threatened this man he is put under bond to keep the peace in an amount as the justice may think wise. Is not that a better way than to give the man a pistol to go and kill him?

Mr. CULLOP. I would like to ask a question here of the gentleman from Kentucky.

Mr. SISSON. I have the floor, but I will yield to the gentleman for that purpose.

Mr. CULLOP. Did you ever know anybody to be bound over to keep the peace—

Mr. JAMES. Oh, in my practice of the law for 20 years I have seen it frequently done.

Mr. CULLOP. My experience has been under a similar statute that the man always becomes very docile when the hearing is had, and he always escapes being bound over.

Mr. JAMES. Oh, frequently he is bound over to keep the peace, and it is just that sort of thing that has saved many lives in Kentucky.

Mr. CULLOP. My experience is different in that matter, or my observation, rather.

Mr. SISSON. Mr. Speaker, if a man shall give bond to keep the peace, and shall agree to keep the peace, it is quite possible that he may not keep his bond. It is quite possible that it would be ineffective, and the next time he met his adversary, if he had made up his mind he would take human life and ignore the bond, it would not protect anyone from assault. It would be a poor defense for him, after his adversary shall have made a bond, the next time he met him to find himself absolutely unarmed and helpless to defend himself.

The SPEAKER. The time of the gentleman has expired.

Mr. SISSON. May I have five minutes more?

Mr. JOHNSON of Kentucky. I yield the gentleman five minutes additional.

Mr. JACKSON. May I ask the gentleman a question?

Mr. SISSON. Yes.

Mr. JACKSON. There is nothing in this law in such an extreme case as the gentleman describes to prevent a man buying a Winchester and just carrying it around, is there?

Mr. SISSON. Of course not; but when a man comes with a Winchester down the street and I see him, I have the oppor-

tunity then of going and getting a Winchester and doing likewise, or I have the opportunity of getting out of the way; but when he carries the weapon concealed he has all the advantage of me in the world, and that is the reason I despise a man who takes an infamous arsenal around in his pocket, because if he does the opportunity to commit a crime is very great, and it is a great wrong, and we ought to take it away, if we could do it; but I want to say the law is not going to stop the criminal carrying weapons, and no man in this House believes it will ever.

Mr. JOHNSON of Kentucky. Then you are opposed to any other law of this kind.

Mr. JACKSON. I want to call the attention of the gentleman to the fact it will not prevent the carrying of a weapon, but only prevents the concealing of it.

Mr. SISSON. I think the law has done a good deal of good, but the law against murder has not prevented murders being committed and the law against arson has not prevented that crime, and I do not want to repeal them at all. Of course I would not repeal this law and I am willing this shall become a law if you can make the punishment in it reasonable and not unreasonable.

Mr. SIMS. Would you think a burglar who carried a pistol around and killed somebody was sufficiently punished when sent to the penitentiary for one year?

Mr. SISSON. When a man carries a pistol it is an unusual punishment to send him to the penitentiary. I am unwilling that a boy 15, 17, or 18 years old who is caught with a pistol in the District of Columbia shall be sent to the penitentiary and have his young life blighted.

Mr. JOHNSON of Kentucky. He will not put it in his pocket if this law passes.

Mr. SISSON. We ought to be angels, but we are not. We ought to deal with human nature as it is and not as it ought to be, and you will never make a man rise above himself or make him better by law. You can stop a man from stealing by putting him in jail, but you can not make him honest. You can deter others from the commission of a like offense by punishing the offender. So I am unwilling that this bill should pass unless the court has some discretion. If he is an habitual criminal, without shame, then the punishment should be drastic. But this bill is entirely too drastic, and I agree thoroughly with the gentleman from Illinois when he says that there ought to be a provision here so that a man could be imprisoned or could be fined a small sum, within the discretion of the court, for the court at last will have to enforce any law you put upon the statute books, and we may just as well intrust the court to enforce the law and administer the punishment. [Applause.]

Mr. JOHNSON of Kentucky. Mr. Speaker, I move the previous question on the bill and amendment thereto.

Mr. MANN. I hope the gentleman will allow me to offer an amendment.

Mr. JOHNSON of Kentucky. I withdraw the motion. I did not know the gentleman wanted to offer an amendment.

Mr. MANN. If the gentleman will yield—

Mr. JOHNSON of Kentucky. I withdraw my motion.

Mr. MANN. I will offer the amendment, and then I do not care.

The SPEAKER pro tempore (Mr. CLAYPOOL). The gentleman from Illinois [Mr. MANN] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 2, line 1, after the word "shall," strike out all after the word "shall" down to and including the word "year," in line 4, and insert in lieu thereof the following:
"Be fined not more than \$1,000 or imprisoned not more than three years, or both."

Mr. JOHNSON of Kentucky. If you will put it "and both," I will agree to it.

Mr. MANN. Well, I could not do that. Mr. Speaker, the proposition which I have offered is to strike out the penalty of not less than one year nor more than three years, and insert in lieu thereof a fine of not more than \$1,000 or imprisonment of not more than three years, or both, to be left to the discretion of the judge.

In the criminal code, as I remarked a while ago, which we passed a few years back, we adopted the policy which is carried through every section of the code, using the form which I have used in this amendment. For instance, in section 2 of the code it says:

Whoever * * * shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

Mr. JOHNSON of Kentucky. I will ask the gentleman if a fine of \$1 could not there be imposed?

Mr. MANN. It might be, and perhaps ought to be. I should say a boy of a few years of age who had taken his father's revolver and put it in his pocket at home, as many a boy has done, and who is arrested for some offense, probably bicycle riding on the sidewalk, and a policeman, with whom he had some altercation, should find a revolver in his pocket, ought not to be sent to the penitentiary and ought not to be fined more than \$1.

Mr. SIMS. If that boy knew if he put his father's revolver in his pocket and went out with it, it would be a felony and he would go to the penitentiary, under those circumstances do you believe that he would take it?

Mr. MANN. I do not believe there would be one boy in a hundred who would know what the law was on the subject. I would guarantee now that there is not a Member of this House, including the gentleman who drew the bill and the gentleman who reported the bill, who knows what the law is to-day on the subject of carrying deadly weapons, so as to cover every provision in it. And yet we expect boys to know all about it who know nothing with reference to the law at all.

Mr. SIMS. I want to ask the gentleman how many good fathers he thinks will keep a pistol stuck around their premises if it is a felony for his boy, or himself either, to carry a concealed weapon?

Mr. MANN. Well, I think it is quite proper to keep a pistol in your house, or some other kind of weapon. While I have not done it in recent years, if I were keeping house here in some house in the town, and living there with my wife alone, I would feel I was derelict in my duty if I did not have some weapon in the house either to defend my wife in my absence or defend ourselves at night. That is not against the law.

Mr. SIMS. Mr. Speaker, I am sorry the gentleman suffers so much fear. I have a larger family than he has, and I have never had a pistol in the house, and never expect to have, nor any other kind of weapon.

Mr. MANN. The gentleman can afford to live in a better house than I can and on a street where there is better police protection.

Mr. SIMS. I am not so afraid of burglars that I have an old pistol lying around the house.

Mr. O'SHAUNESSY. May we have the amendment read again?

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 1, strike out, after the word "shall," down to and including the word "year," in line 4, and insert in lieu thereof the following:

"Be fined not more than \$1,000 or imprisoned not more than three years, or both."

Mr. SIMS. Mr. Speaker, I rise to oppose this amendment. You might almost as well not pass this bill as to pass it with this amendment. It is a mere discretionary punishment. Who wants to put a fine of \$1,000 on some white or black boy? The rich, who can afford to pay the money, will carry pistols, and the judges will not put any of them in prison when left to their discretion. If you want to ruin this bill, leave a discretion in the court, and most earnest pleas will be made to the court as to the respectability of the man and his family, that it is his first offense, and so on. Now, good Christian fathers, with a law making the carrying of pistols a felony, are not going to have them lying around a room where their wives or boys can use them or carry them.

For years the Evening Star of this city, a paper that has always advocated good morals, has asked for this legislation, and pointed out instance after instance where deaths and homicides have followed by reason of not having such a law as this on the books. I do not care what the laws of the District of Columbia are now. I can not repeat verbatim what they are. But I know they do not protect the people from the evil of carrying concealed weapons. What burglar, white or black, or what criminal, white or black, would care for going down and perjurying himself and saying that his life was in danger in order to carry a concealed deadly weapon? It is too late in this age of civilization for any gentleman to get up and oppose this bill on hypothetical, impossible cases which people imagine might happen.

Mr. O'SHAUNESSY. Mr. Speaker, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Tennessee yield to the gentleman from Rhode Island?

Mr. SIMS. Yes.

Mr. O'SHAUNESSY. I want to ask the gentleman from Tennessee if the penalty of one year's imprisonment is the lowest prescribed for a felony in the District?

Mr. SIMS. I could not state positively how that is. But whether it is or is not, why does the gentleman want anything less than a year for a man to walk around here as a human

arsenal, with the Army and the Navy, the Metropolitan police, and the Capitol police all here to protect him against any possible assaults that may be made upon him?

Mr. O'SHAUNESSY. I want to ask the gentleman this other question: Suppose the case suggested by the gentleman from Illinois [Mr. MANN], of a young man taking a pistol from his father's home. Does not the gentleman believe that a penalty of one year in a penitentiary, as provided under this bill, would, under those circumstances, be an excessive and an unusual punishment?

Mr. SIMS. Of course you can imagine hypothetical cases and impossible cases, and thereby prevent the passage of any criminal law. In the first place, the good father is not going to have the pistol. In the second place, the boy is not going to carry it; and in the third place, if such a case should occur, we have got the pardoning power. Now, we should not stand back and continue the present conditions for the sake of considerations which may be conjured up by a heated imagination as to a boy who might carry his father's pistol out while his father was holding a prayer meeting. I do not believe such a case will occur, and if it did the punishment would be so severe in its nature that the pardoning power would come to his relief.

Mr. O'SHAUNESSY. Will the gentleman permit another question?

Mr. SIMS. Certainly.

Mr. O'SHAUNESSY. Is there any power here that would grant a license permitting the carrying of a pistol?

Mr. SIMS. Yes. If a man thinks his life is in danger he can go down to court and obtain permission. That is a bad provision in the existing law.

Mr. KENDALL. This is a question now as to the policy or expediency of the punishment to be prescribed. Everybody concedes the wisdom of enacting proper safeguards as to the carrying of deadly weapons. Would the gentleman have any objection to striking out the minimum penalty in the bill and making the clause read that the punishment shall be imprisonment in the penitentiary for not more than three years?

Mr. SIMS. That is the suggestion of the gentleman from Illinois.

Mr. KENDALL. What could be the objection to allowing the court to determine in such a case and exercise a wide discretion as to the punishment that ought to be applied?

Mr. SIMS. Let me tell you what would happen. Judges are human; they are open to appeals to sympathy when it is in their power to punish a crime and fix the penalty. As I say, the poor, friendless negro boy, or the poor, friendless white boy, will be trotted off to his three years of punishment in the penitentiary, but the rich and influential boy will probably get the minimum. Now, why not have a rigid minimum? That is the way to prevent crime. Make the punishment in the first place such as will prevent the commission of the crime, and do not put it in the power of any judge to reduce it below that minimum.

Mr. KENDALL. But suppose the question of guilt is to be determined by the court—

Mr. SIMS. Certainly—

Mr. KENDALL (continuing). In that case does the gentleman believe that juries can be assembled that will convict people where the punishment is as excessive as is provided in this bill?

Mr. SIMS. Oh, the punishment is never excessive when it is necessary to have the law obeyed.

Mr. KENDALL. I think it would defeat the purpose of the bill itself.

Mr. SIMS. Do you think the jury and the judge would perjure themselves when the evidence is clear and plain, simply because the judge and the jury might differ with Congress as to the degree of punishment that ought to be inflicted?

Mr. KENDALL. Does not the gentleman know that in all history where penalties are too severe, the juries will not apply them?

Mr. SIMS. No; I do not think that is true.

Mr. KONOP. Suppose I should put a razor in my pocket in the morning and bring it over to the barber shop to have it sharpened. Would I be subject to a penalty?

Mr. SIMS. Oh, no. You are not going to use it as a weapon. No jury would convict you under those circumstances.

Mr. STANLEY. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Tennessee yield to the gentleman from Kentucky?

Mr. SIMS. I do.

Mr. STANLEY. Is there a provision in the bill defining when a man carries an instrument of death as a weapon and when he carries it as an ornament or in a legitimate way or accidentally, or anything of that sort?

Mr. SIMS. Yes. He never carries a weapon as an ornament secretly. He always carries it openly in that case, as he would carry a sword, or something of that sort. There is nothing in the bill to prevent that.

Mr. STANLEY. The gentleman does not catch my meaning, I fear. Is there anything in the bill—I was not here when it was read—excepting cases where a man, for instance, should buy a razor and take it home, or get his revolver repaired and have a piece of paper wrapped about it to take it home? Is there any distinction drawn here between carrying a weapon for purposes of homicidal fancies and carrying it for the innocent purposes named by the gentleman?

Mr. JOHNSON of Kentucky. There are no more exceptions in this bill than there are in Kentucky, where the gentleman lives.

Mr. STANLEY. The law says "carrying as a weapon." I caught it from the gentleman's speech, but not from the bill.

Mr. KENDALL. There is no provision in this bill that makes that distinction.

Mr. MANN. The bill does not even say "weapons." It says "instruments." It says "weapons or instruments."

Mr. KENDALL. It says "persons carrying these weapons."

Mr. SIMS. It does not become a weapon unless it is carried as a weapon. My friend used a case knife as an illustration.

Mr. KONOP. You describe these things as being deadly weapons; and if I carry them, it does not make any difference for what purpose, I am liable under this bill.

Mr. SIMS. Oh, no; the gentleman is mistaken about that.

Mr. YOUNG of Kansas. Is it not a fact that the carrying of any deadly weapon is not a violation of the law unless a man carries it in a concealed condition?

Mr. SIMS. In a concealed manner.

Mr. YOUNG of Kansas. And the question as to whether a man is carrying it in a concealed manner is a question purely of fact, triable by a jury or the judge.

Mr. SIMS. Certainly it is.

Mr. YOUNG of Kansas. So that the question that the gentleman asks can be answered very easily.

Mr. KONOP. If I carry a razor in my pocket, is not that concealed?

Mr. YOUNG of Kansas. That is purely a question of fact, to be tried by the judge or jury.

Mr. KONOP. The fact is that it is concealed in my pocket.

Mr. SIMS. Does the gentleman want to amend this bill so as to permit a razor to be carried as a weapon?

Mr. KONOP. Not at all. I should like to have the bill amended so that if a man carries a gun or a razor or a knife for any other purpose than that of assault he shall not be guilty of a violation of the law.

Mr. SIMS. That would ruin the bill, and I am opposed to it. If the gentleman wants a law which will permit the carrying of dirks, sword canes, and other weapons, and yet make it necessary to prove that they are carried as weapons, when they are homicidal weapons, then the gentleman is opposed to the law, and that is all there is to it. What we ought to do, under the obligation resting upon us, is to make a rigid minimum penalty. When we enact such a law it will break up the practice of carrying deadly weapons. In this city, where two Presidents have been shot down by assassins who carried concealed weapons and where others may be, where they have a large force of secret detectives now who go around with the President every time he goes out, a minimum punishment of one year for carrying a concealed weapon is graciously low.

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

Mr. SIMS. Yes.

Mr. CALLAWAY. Does the gentleman think that the fellow who intends to kill a President will hesitate on account of the penalty for carrying a weapon of that kind?

Mr. SIMS. He might not, if he was crazy.

Mr. CALLAWAY. Does the gentleman think that a man who intends to commit an offense that will subject him to capital punishment will be deterred by the penalty provided in this bill?

Mr. SIMS. Not in the case of a crazy man, of course not.

Mr. CALLAWAY. Does the gentleman think a man who is going to commit a burglary will stop on account of the penalty provided in this bill for carrying a weapon?

Mr. SIMS. I certainly do.

Mr. CALLAWAY. He is going to commit a greater offense, that will submit him to a heavier penalty.

Mr. SIMS. He may not be caught. Is the gentleman opposed to this bill?

Mr. CALLAWAY. Yes; I am opposed, as a general thing, to any bill that makes a thing a felony that is not a crime per se.

Mr. SIMS. Then, the gentleman will have to amend every criminal code in this country, if he is in favor of making crimes only those things which are mala in se. If the gentleman desires to make nothing punishable unless it is a natural crime he will start a revolution in this country.

Mr. CALLAWAY. I said a felony. I am not in favor, generally, of making a thing a felony that is not a crime per se.

Mr. SIMS. Then, I have no argument with the gentleman. I am not surprised that he is opposed to this bill.

Mr. TRIBBLE. Suppose a sight-seeing party from my State should come to the Capital, and in that party passing through Washington there was a 15-year-old boy who had a pistol in his pocket. Does the gentleman think he ought to be sent to the penitentiary for a number of years?

Mr. SIMS. I think he ought to be sent somewhere for ever starting with such a weapon.

Mr. TRIBBLE. I do not.

Mr. SIMS. I think he ought to be punished to some extent for living in a State that permits such a thing. It would be hard on the boy, but he ought to live in a better State.

Mr. TRIBBLE. May I ask the gentleman another question. Suppose the laws of that State are lax, or it is no violation of law in that State, is it not natural to suppose that the boy might think it was so here?

Mr. SIMS. Why does your Georgia boy want to come to the Capital of the Nation with a pistol in his pocket?

Mr. TRIBBLE. Why do people violate the laws, anyway?

Mr. SIMS. The gentleman states an extreme case that would not happen in 100 years.

Mr. HARRISON of Mississippi. Will the gentleman yield?

Mr. SIMS. Yes.

Mr. HARRISON of Mississippi. I want to ask the gentleman if it is not a fact that in some States—I know that it is so in my own State—that there can be set up as a defense the fact that a person was traveling such a distance from his home that took him beyond the circle of his friends and acquaintances, and might not the boy from Georgia be under the impression that the law was the same here as there?

Mr. SIMS. If he was, why that boy from Georgia would be pardoned or never convicted.

Mr. RAKER. Will the gentleman yield?

Mr. SIMS. Certainly.

Mr. RAKER. I see in the bill, in line 6, it speaks of a clasp knife, and in lines 6, 7, or 8 it says "or other deadly weapons." That provision of the bill would prevent a man carrying a pocketknife. All the courts have held that a knife that produced death is a deadly weapon.

Mr. SIMS. The bill provides for the length of blade—3 inches. It may be amended to make it 3½ or 4 inches. I want to say to gentlemen that the bill, before it was amended, was drawn by the corporation counsel of the District of Columbia. I did not draw it. It was drawn to meet conditions existing here, and the committee amendments are intended only to benefit the bill.

Mr. RAKER. Will the gentleman yield for a further question?

Mr. SIMS. Yes.

Mr. RAKER. Is there any difference between a blade 2 inches long and one 6 inches long as to the effect it will have in attempting to cut a man's throat?

Mr. SIMS. I think so. Mr. Speaker, I yield the floor.

Mr. JOHNSON of Kentucky. Mr. Speaker, I move the previous question on the bill and amendments.

Mr. CULLOP. I hope the gentleman will not do that; I have an amendment.

Mr. JOHNSON of Kentucky. I will withhold it until the gentleman offers it. Mr. Speaker, I will withdraw the demand for the previous question and I demand the regular order.

The SPEAKER. The question is on the amendment offered by the gentleman from Illinois.

Mr. DYER. Mr. Speaker, I want to say a word in favor of this amendment. I believe that if this bill is passed as it is, imposing a penitentiary sentence, that the law will repeal itself. I have had experience, as I have no doubt other gentlemen here have had, in the prosecution of men charged with the carrying of concealed weapons. We have in my State, and in the courts where I had some experience prosecuting, a statute—I often saw it called into action—which makes it a felony to carry concealed weapons. But it also provides punishment by jail and fine, as well as a penitentiary sentence. I have prosecuted numerous cases before juries of men charged with carrying concealed weapons, and I have never seen in my experience a jury that would send a man to the penitentiary for carrying a concealed weapon unless that man was a most vicious character

and a well-known criminal. Take a young man who would have a pistol in his pocket carrying it from a neighbor's to his own house for some protection of his family, and he should be caught with that weapon concealed in his pocket, you could not find a jury in this whole country that would send him to the penitentiary. But there are cases where men should be punished for carrying a weapon where it is not of such a nature as to invoke a penitentiary sentence. I hope the chairman of the committee will accept this amendment offered by the gentleman from Illinois. It will insure the carrying out of this proposed law, and insure what we want, a stop put to the carrying of concealed weapons in the District of Columbia.

If you find concealed weapons on a criminal or a vicious character, the jury and the court will ordinarily send him to the penitentiary; but you ought to make some provision for the man of good character, who has been found to have upon him a concealed weapon, or a man who is passing through the District. I do not believe that a man who is passing through the District, going from one place to another, should be convicted and punished for having a revolver upon him. The laws of most States make exceptions to such cases, and provide that where a man is merely passing through a State on a mission of business or otherwise, and conducting himself properly, that this law should not be made applicable to him. Let us pass this bill so that it can be enforced and will bring the results looked for. I hope, Mr. Speaker, that this amendment will be agreed to.

Mr. JOHNSON of Kentucky. Mr. Speaker, the object of this bill is to make the carrying of concealed deadly weapons a felony. When any amendment is adopted which makes it a smaller offense than a felony I am against it, because the law as it exists in the District of Columbia to-day fixes a small minimum fine, and that law is as good as the amendment that is offered. If such an amendment is adopted I shall move to lay all amendments on the table and hope the bill will be defeated.

Mr. TOWNER. Mr. Speaker, the consideration of this bill is, in my judgment, a very important matter, and I think it is well for the House to weigh carefully what is meant by it. It is possible to suggest cases in which the operation of this law may work a hardship. But if this House passes this bill to-day, making the carrying of a concealed weapon a felony, with no right in the court to impose a less punishment, the news of that action on the part of Congress will go all over the United States; and there is no 15-year-old boy with intelligence enough to find his way to the National Capital who will not know that such a law is in existence, and who will not know that he incurs this penalty if he carries a concealed weapon when he comes here. I am in favor of the action which is now contemplated, because I believe that any less punishment will not have the effect that is desired.

Mr. DYER. Mr. Speaker, will the gentleman yield?

Mr. TOWNER. Certainly.

Mr. DYER. Let us take the case of one of the boys that the gentleman mentions—a young man coming, say, from his own State, who does not know about this penalty of a penitentiary sentence for carrying a gun. Suppose he should have purchased one here in Washington or somewhere else and was carrying it home, does the gentleman think that he should be sent to the penitentiary and made a convict and a felon because of that?

Mr. TOWNER. Mr. Speaker, I believe, in the first place, that there will be no boy, as I suggested a moment ago, of sufficient intelligence to find his way here who will not know, if this bill is passed, what will be the penalty for such an act.

Mr. Speaker, the time has come when this country must do something of this sort in order to stay the flood of violent crime that is the greatest disgrace this Nation to-day suffers, not only in the esteem of the world, but in the judgment of all good people. It is a striking commentary upon the standards that we have established in this country that we are to-day the most violent Nation on earth, the Nation that has the greatest percentage of violent crimes, the Nation that has the least regard for human life of any nation in the world, and, Mr. Speaker, it seems to me we can do no greater act to stem this tide of violence in the country than to set here an example that will go out to every part of the Nation that we are opposed to anything that will lead to further crimes of this character. While we here in the city of Washington maintain the open saloon and then invite those to come here with the tendency to buy revolvers or to bring them here, it seems to me we are almost inviting the conditions that arise when passions are inflamed until all restraint is taken away and crimes of violence follow. It seems to me that the high standards of our civilization, that the great necessity that we now see before us, ought to lead us to take this action out of regard to the safety of the

lives of the citizens of the country, and especially of this district.

Mr. CULLOP. Mr. Speaker, I take it from the discussion here this morning that the purpose of this bill is to meet a local condition which is assumed to exist here in the city of Washington. At the proper time I desire to offer an amendment which I believe is necessary to perfect this bill and which I think the committee will adopt. That amendment will be as follows:

In line 4, after the word "Columbia," insert the words "not then and there being a traveler."

Mr. JOHNSON of Kentucky. If he is walking along the street is he not a traveler?

Mr. CULLOP. No; that is not the sense in which the word "traveler" is used at all, as the courts have defined it in State after State. It has a well defined meaning. The danger of this bill is the excessive punishment. When you add to a criminal statute an excessive punishment you have nullified the statute itself, and you can not enforce the punishment. When you make such a penalty as you propose here, you would be powerless to enforce the statute. Juries will not enforce it because the punishment provided is excessive. I hope that the amendment suggested by the gentleman from Iowa [Mr. KENDALL] will be accepted, if you want to cure this evil.

In the commission of the offense here defined all offenders should not be punished alike. You have fixed the same punishment for everyone who commits this crime, no matter what the character of the offender and the aggravation attending its commission. A man who would carry a pistol or any other weapon in time of peace in a civilized country like this ought to be punished, of course. He has no need for it, and the punishment ought to be severe, but if you make it too severe, as you are attempting to here, you will be unable to enforce the statute, for the reason that the courts and the juries will hesitate to convict when persons charged are tried. For that reason I think that the suggestion of the gentleman from Iowa ought to be adopted, and also the amendment that I propose to offer.

Mr. JACKSON. Mr. Speaker, will the gentleman yield?

Mr. CULLOP. Certainly.

Mr. JACKSON. I would like to ask the gentleman if he thinks that Guiteau, who shot President Garfield, would be termed a traveler under the amendment that he offers?

Mr. CULLOP. Oh, you would not try him for carrying a concealed weapon. His offense would come under a different statute altogether. It is not in point.

Mr. JOHNSON of Kentucky. You would, if you had caught him before he killed the President.

Mr. CULLOP. He would be tried for the crime that he committed, and if he was found in the city of Washington not passing through or traveling from one point to another, he would be found not to be a traveler under the construction that the courts in almost every State in the Union have placed upon that word when used in the connection it is here employed. Such an illustration is not pertinent to the subject matter under discussion.

Mr. JACKSON. Suppose some police officer had arrested him before he committed a crime?

Mr. CULLOP. He would not be guilty under the statement I have made of carrying concealed weapons.

Mr. JACKSON. He would be a traveler.

Mr. CULLOP. No; he would not be a traveler under the construction courts have placed on similar statutes. It is a question of fact to be determined in the trial of the case, like any other question of fact.

Mr. JACKSON. Does not the gentleman think we ought to have some definition in the law as to what constitutes a traveler?

Mr. CULLOP. Oh, no; we could not well do that, as the circumstances of every case must largely determine it. It is a question of fact under the proof whether a man is a traveler or not. If he is stopping here in Washington month after month he is not a traveler.

Mr. JACKSON. What does the gentleman think of the man who shot McKinley at Buffalo—I can not pronounce his name—Czolgosz, I think it was, or something of that kind?

Mr. CULLOP. There is not anything in this statute which shows he was or was not a traveler at all; nothing whatever. He was not a traveler. He was punished for a higher offense.

Mr. JACKSON. My impression from what I remember of the history of the event is that he went there for the purpose of killing President McKinley and coming away again.

Mr. CULLOP. He was not a traveler, and no jury would have so found him to be; there is no trouble about determining the question of fact in such cases, as our decided cases show.

Mr. JACKSON. I am merely asking the question.

Mr. CULLOP. If the question had been presented to the jury, they would not have found him to be a traveler. Now, I want to call attention to another feature in the bill which is objectionable. In line 9, page 2, it contains this language, "officers guarding legal prisoners." Now, is there any prisoner who is not a legal prisoner?

Mr. JOHNSON of Kentucky. Plenty of them.

Mr. CULLOP. I never heard of it. Who is not a legal prisoner if properly under arrest?

Mr. JOHNSON of Kentucky. Are not plenty of people illegally arrested?

Mr. CULLOP. That presents a very different question. As long as he is in the custody of the officer he is a legal prisoner as far as the law is concerned. The word "legal" ought to go out of it or you will have simply emasculated the force of your statute on this subject. If a man is under arrest by an officer, he is legally holding him—at least by color of law if not by process of law—by the authority of the officer himself, who is made a guardian of the peace by virtue of his office, and you have simply made that provision nugatory if you leave it there in that way. Now, Mr. Speaker, I hope this bill will pass in proper form. The carrying of concealed weapons is one of the grave offenses of the country and should be prevented by proper police regulations.

Mr. BYRNS of Tennessee. Will the gentleman yield?

Mr. CULLOP. Yes.

Mr. BYRNS of Tennessee. I understood the gentleman to say the word "traveler" is pretty well defined or settled.

Mr. CULLOP. In the courts; yes.

Mr. BYRNS of Tennessee. Will the gentleman say that a man who lived just outside the District, or over in the city of Alexandria, who came to Washington for some purpose, was a traveler, or would it be necessary for him to live in Indiana or Tennessee?

Mr. CULLOP. Certainly not. That would be a question of fact under the proof whether he is a traveler or not, and the courts have repeatedly construed similar statutes. This puts it in the language of several State statutes if we enact this provision.

Mr. BYRNS of Tennessee. How far would he have to live from the city of Washington in order for him to come under the term of "traveler"?

Mr. CULLOP. He can live in the city of Washington and be a traveler, and he may live remotely from Washington and be here and not be a traveler. I hope the gentleman, as a lawyer, does not put up that kind of a proposition to me. A man in the city of Washington could be starting out on a journey and have a weapon and carry it and be a traveler, and a man living in Alexandria and coming here with a weapon in his pocket might not be a traveler.

Mr. McKELLAR. Would a Member of Congress be a traveler under this bill?

Mr. CULLOP. He might be under some circumstances, and under others he would not be. If he lives here and goes about the city he would not be a traveler and could not claim immunity from punishment, and if he carried a weapon he should be condemned, and severely so. For him there would be no justification.

Mr. McKELLAR. I agree with the gentleman heartily on that.

Mr. CULLOP. In my judgment, he ought to lose his seat if he carries one, because he, above all others, should not indulge in such a dangerous thing.

Mr. McKELLAR. I agree entirely with the gentleman in that.

Mr. MADDEN. I wish to offer an amendment which I have written on the bottom of this page.

Mr. KENDALL. Is it a substitute?

Mr. MADDEN. It is an amendment to the amendment offered by the gentleman from Indiana [Mr. CULLOP], and I ask to have it read.

The SPEAKER pro tempore. The gentleman from Indiana has not offered an amendment.

Mr. CULLOP. I am going to offer it as an amendment at the proper time.

Mr. MANN. Mr. Speaker, I ask unanimous consent that all debate upon the amendment which I have pending be closed. Then the gentleman can offer his amendment.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent that all debate on his amendment be closed. Is there objection?

Mr. DE FOREST. Mr. Speaker, I would like to have the amendment reported again.

The SPEAKER pro tempore. Without objection, the amendment will be again reported.

The amendment was again reported.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is now on the amendment offered by the gentleman from Illinois [Mr. MANN].

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. JOHNSON of Kentucky. Division, Mr. Speaker.

The House divided; and there were—ayes 57, noes 8.

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

The SPEAKER. The Chair will count. [After counting.] Evidently there is not a quorum present.

Mr. JOHNSON of Kentucky. Mr. Speaker, I demand the yeas and nays on that.

The SPEAKER. The yeas and nays come automatically. The Doorkeeper will close the doors, and the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The question was taken; and there were—yeas 183, nays 26, answered "present" 12, not voting 170, as follows:

YEAS—183.

Akin, N. Y.	Driscoll, D. A.	Kitchin	Richardson
Alexander	Driscoll, M. E.	Knowland	Roberts, Mass.
Allen	Edwards	Konop	Roddenbery
Anderson, Minn.	Ellerbe	Korbly	Ruby
Anthony	Falson	Laferty	Rucker, Mo.
Austin	Fergusson	La Follette	Sells
Barnhart	Ferris	Lawrence	Shackelford
Bartholdt	Finley	Lee, Ga.	Sherley
Bathrick	Flood, Va.	Legare	Sherwood
Bell, Ga.	Floyd, Ark.	Lenroot	Simmons
Blackmon	Fowler	Lindbergh	Sisson
Boehne	French	Linthicum	Slayden
Boohar	Garner	Lloyd	Sloan
Borland	Garrett	Lobeck	Smith, J. M. C.
Brantley	Godwin, N. C.	McCoy	Smith, N. Y.
Browning	Goeke	McKenzie	Stedman
Burgess	Goldfogle	McKinney	Steenerson
Burke, S. Dak.	Good	Madden	Stephens, Cal.
Burke, Wis.	Goodwin, Ark.	Maguire, Nebr.	Stephens, Miss.
Burnett	Graham	Mann	Stone
Byrnes, S. C.	Greene, Mass.	Martin, S. Dak.	Sulzer
Calder	Gregg, Tex.	Miller	Sweet
Callaway	Hamill	Moon, Tenn.	Switzer
Candler	Hamilton, Mich.	Moore, Tex.	Taggart
Cannon	Hamlin	Morgan	Talcott, N. Y.
Carlin	Hammond	Morrison	Taylor, Colo.
Catlin	Hanna	Moss, Ind.	Thomas
Claypool	Hardy	Murdock	Tribble
Cline	Harrison, Miss.	Needham	Turnbull
Cooper	Haugen	Neeley	Tuttle
Cox, Ohio	Heald	Nelson	Underwood
Crago	Hellin	Norris	Utter
Crumppacker	Henry, Conn.	Nye	Volstead
Cullop	Hensley	O'Shaunessy	Watkins
Curry	Higgins	Payne	Webb
Danforth	Hill	Pepper	Wedemeyer
Daugherty	Holland	Peters	Weeks
Davenport	Howard	Pickett	White
De Forest	Hughes, Ga.	Post	Wickliffe
Dent	Hull	Pou	Wildor
Dickinson	Jackson	Prouty	Willis
Dixon, Ind.	Kendall	Raker	Wilson, N. Y.
Dodds	Kent	Randall, Tex.	Wood, N. J.
Doremus	Kinkaid, Nebr.	Rees	Woods, Iowa
Doughton	Kinkaid, N. J.	Reilly	Young, Tex.
Draper			

NAYS—26.

Adair	Gray	McKellar	Sims
Anderson, Ohio	Hay	Macon	Smith, Tex.
Ashbrook	Hayden	Oldfield	Sullivan
Berger	Henry, Tex.	Padgett	Townley
Denver	Hubbard	Redfield	Young, Kans.
George	Johnson, Ky.	Rouse	
Gillett	Johnson, S. C.	Russell	

ANSWERED "PRESENT"—12.

Byrns, Tenn.	Davidson	Fuller	McMorran
Campbell	Dwight	Hobson	Riordan
Carter	Foster	McGuire, Okla.	Stevens, Minn.

NOT VOTING—170.

Adamson	Connell	Fornes	Howland
Aiken, S. C.	Conry	Foss	Hughes, N. J.
Ainey	Copley	Francis	Hughes, W. Va.
Ames	Covington	Gallagher	Humphrey, Wash.
Andrus	Cox, Ind.	Gardner, Mass.	Humphreys, Miss.
Ansberry	Cravens	Gardner, N. J.	Jacoway
Ayres	Curley	Glass	James
Barchfeld	Currler	Gould	Jones
Bartlett	Dalzell	Green, Iowa	Kahn
Bates	Davis, Minn.	Gregg, Pa.	Kennedy
Beall, Tex.	Davis, W. Va.	Griest	Kindred
Bowman	Dickson, Miss.	Gudger	Konig
Bradley	Dies	Guernsey	Kopp
Broussard	Difenderfer	Hamilton, W. Va.	Lamb
Brown	Donohoe	Hardwick	Langham
Buchanan	Dupre	Harris	Langley
Bulkley	Esch	Harrison, N. Y.	Lee, Pa.
Burke, Pa.	Estopinal	Hartman	Lever
Burleson	Evans	Hawley	Levy
Butler	Fairchild	Hayes	Lewis
Cantrill	Farr	Helgesen	Lindsay
Cary	Fields	Helm	Littlepage
Clark, Fla.	Fitzgerald	Hinds	Littleton
Clayton	Focht	Houston	Longworth
Collier	Fordney	Howell	Loud

McCall	Olmsted	Rodenberg	Sterling
McCreary	Page	Rothermel	Talbot, Md.
McDermott	Palmer	Rucker, Colo.	Taylor, Ala.
McGillcuddy	Parran	Sabath	Taylor, Ohio
McHenry	Patten, N. Y.	Saunders	Thayer
McKinley	Patton, Pa.	Seully	Thistlewood
McLaughlin	Plumley	Sharp	Tilson
Maher	Porter	Sheppard	Townsend
Malby	Powers	Slemp	Underhill
Martin, Colo.	Pray	Small	Vreeland
Matthews	Prince	Smith, Saml. W.	Warburton
Mays	Pujo	Smith, Cal.	Whitacre
Mondell	Rainey	Sparkman	Wilson, Ill.
Moon, Pa.	Ransdell, La.	Speer	Wilson, Pa.
Moore, Pa.	Rauch	Stack	Witherspoon
Morse, Wis.	Reburn	Stanley	Young, Mich.
Mott	Roberts, Nev.	Stephens, Nebr.	
Murray	Robinson	Stephens, Tex.	

So the amendment was agreed to.

The Clerk announced the following pairs:

For the session:

Mr. PUJO with Mr. McMorran.
Mr. COLLIER with Mr. WOODS of Iowa.
Mr. ADAMSON with Mr. STEVENS of Minnesota.
Mr. GLASS with Mr. SLEMP.
Mr. FURNES with Mr. BRADLEY.
Mr. RIORDAN with Mr. ANDRUS.
Mr. BARTLETT with Mr. BUTLER.

Until further notice:

Mr. RAUCH with Mr. ROBERTS of Nevada.
Mr. PALMER with Mr. MCKINLEY.
Mr. STANLEY with Mr. YOUNG of Michigan.
Mr. DIES with Mr. COPLEY.
Mr. LITTLETON with Mr. DWIGHT.
Mr. MURRAY with Mr. MATTHEWS.
Mr. HAMILTON of West Virginia with Mr. LOUD.
Mr. MCGILLICUDDY with Mr. GUERNSEY.
Mr. SPARKMAN with Mr. DAVIDSON.
Mr. FOSTER with Mr. KOPP.
Mr. DIFENDERFER with Mr. McCREARY.
Mr. CURLEY with Mr. PRINCE.
Mr. RAINEY with Mr. KENNEDY.
Mr. TALBOTT of Maryland with Mr. PARRAN.
Mr. COX of Indiana with Mr. REYBURN.
Mr. BEALL of Texas with Mr. GRIEST.
Mr. CONNELL with Mr. HARRIS.
Mr. MAYS with Mr. THISTLEWOOD.
Mr. ROTHERMEL with Mr. CARY.
Mr. CLARK of Florida with Mr. LANGHAM.
Mr. EVANS with Mr. HOWELL.
Mr. THAYER with Mr. AMES.
Mr. TAYLOR of Alabama with Mr. RODENBERG.
Mr. McDERMOTT with Mr. FOSS.
Mr. HOBSON with Mr. FAIRCHILD.
Mr. FIELDS with Mr. LANGLEY.
Mr. BYRNS of Tennessee with Mr. TILSON.
Mr. HOUSTON with Mr. MOON of Pennsylvania.
Mr. GALLAGHER with Mr. FULLER.
Mr. SMALL with Mr. OLMSTED.
Mr. COVINGTON with Mr. MOTT.

Mr. JONES with Mr. MOORE of Pennsylvania.
Mr. WITHERSPOON with Mr. MONDELL.
Mr. WILSON of Pennsylvania with Mr. MALBY.
Mr. UNDERHILL with Mr. McLAUGHLIN.
Mr. TOWNSEND with Mr. LONGWORTH.
Mr. STEPHENS of Texas with Mr. WILSON of Illinois.
Mr. STEPHENS of Nebraska with Mr. WARBURTON.
Mr. STACK with Mr. VREELAND.
Mr. SHARP with Mr. TAYLOR of Ohio.
Mr. SABATH with Mr. STERLING.
Mr. RUCKER of Colorado with Mr. SPEER.
Mr. PAGE with Mr. SMITH of California.
Mr. MARTIN of Colorado with Mr. SAMUEL W. SMITH.
Mr. LEWIS with Mr. PRAY.
Mr. PATTEN of New York with Mr. POWERS.
Mr. LEVER with Mr. PORTER.
Mr. LEE of Pennsylvania with Mr. PLUMLEY.
Mr. KINDRED with Mr. PATTON of Pennsylvania.
Mr. JACOWAY with Mr. KAHN.
Mr. HUMPHREYS of Mississippi with Mr. HUMPHREY of Washington.
Mr. HUGHES of New Jersey with Mr. HUGHES of West Virginia.
Mr. HELM with Mr. HAYES.
Mr. HARRISON of New York with Mr. HOWLAND.
Mr. HARDWICK with Mr. HAWLEY.
Mr. GUDGER with Mr. GREEN of Iowa.
Mr. FRANCIS with Mr. GARDNER of New Jersey.
Mr. FITZGERALD with Mr. FORDNEY.

Mr. DUPRÉ with Mr. FOCHT.
 Mr. DONOHUE with Mr. FARR.
 Mr. DAVIS of West Virginia with Mr. ESCH.
 Mr. CLAYTON with Mr. DALZELL.
 Mr. CANTRILL with Mr. DAVIS of Minnesota.
 Mr. BULKLEY with Mr. BURKE of Pennsylvania.
 Mr. BROWN with Mr. BOWMAN.
 Mr. AYRES with Mr. BATES.
 Mr. ANSBERRY with Mr. BARCHFELD.
 Mr. AIKEN of South Carolina with Mr. AINEX.
 For April 11, 1912:
 Mr. CARTER with Mr. McGUIRE of Oklahoma.
 From April 11 to April 16:
 Mr. JAMES with Mr. McCALL.
 Ending April 13:
 Mr. BUCHANAN with Mr. HARTMAN.
 Mr. BYRNS of Tennessee. Mr. Speaker, I voted "no." I had forgotten that I was paired with the gentleman from Connecticut, Mr. TILSON. I desire to withdraw my vote and answer "present."

The result of the vote was announced as above recorded.
 The SPEAKER. The Doorkeeper will open the doors.
 Mr. JOHNSON of Kentucky. Mr. Speaker, this is a reenactment of practically the existing law on the subject, and I therefore move to lay the bill and amendments thereto on the table.
 The SPEAKER. The gentleman from Kentucky [Mr. JOHNSON] moves to lay the bill and amendments thereto on the table. The question is on agreeing to that motion.
 The motion was rejected.
 The SPEAKER. The Clerk will report the first committee amendment.
 Mr. SIMS. Mr. Speaker, a parliamentary question.
 The SPEAKER. The gentleman will state it.
 Mr. SIMS. Does not the management of the bill now pass to the gentleman from Illinois [Mr. MANN]?
 Mr. MANN. Oh, not at all.
 Mr. SIMS. In the present parliamentary situation?
 Mr. MANN. Oh, not at all in the parliamentary situation. The mere offering of an amendment and its adoption do not transfer the control of the bill.
 The SPEAKER. The Chair has charge of this bill now, and the Clerk will report the first committee amendment. [Applause.]
 The Clerk read as follows:
 On page 1, line 3, strike out the words "or persons."
 The SPEAKER. The question is on agreeing to the amendment.
 The question was taken, and the Speaker announced that the yeas seemed to have it.
 Mr. MANN. Mr. Speaker, I demand a division.
 The SPEAKER. A division is demanded.
 The House divided; and there were—ayes 59, noes 1.
 So the amendment was agreed to.
 The SPEAKER. The Clerk will report the next committee amendment.
 The Clerk read as follows:
 In line 4, after the word "concealed," insert the words "upon or."
 The SPEAKER. The question is on agreeing to the amendment.
 The question was taken, and the amendment was agreed to.
 The SPEAKER. The Clerk will report the next committee amendment.
 The Clerk read as follows:
 In line 5 strike out the word "their" and insert the word "his."
 The SPEAKER. The question is on agreeing to the amendment.
 The question was taken, and the amendment was agreed to.
 The Clerk read the next committee amendment, as follows:
 In line 5 strike out the words "or to carry openly."
 The SPEAKER. The question is on agreeing to the amendment.
 The question was taken, and the amendment was agreed to.
 The Clerk read the next committee amendment, as follows:
 In line 6 strike out the words "dirt knife" and insert the words "clasp knife, razor."
 The SPEAKER. The question is on agreeing to the amendment.
 The question was taken, and the amendment was agreed to.
 The Clerk read the next committee amendment, as follows:
 In lines 7 and 8 insert the words "or other deadly weapon."
 The SPEAKER. The question is on agreeing to the amendment.
 The question was taken, and the amendment was agreed to.

The Clerk read the next committee amendment, as follows:
 In line 8, strike out the words "or persons."
 The SPEAKER. The question is on agreeing to the amendment.
 The question was taken, and the amendment was agreed to.
 The Clerk read the next committee amendment, as follows:
 In line 9, insert the words "upon or."
 The SPEAKER. The question is on agreeing to the amendment.
 The question was taken, and the amendment was agreed to.
 The Clerk read the next committee amendment, as follows:
 In line 10, strike out the word "the" and insert in lieu thereof the word "his."
 The SPEAKER. The question is on agreeing to the amendment.
 The question was taken, and the amendment was agreed to.
 The Clerk read the next committee amendment, as follows:
 In line 10, strike out the words "or carrying the same openly" and insert the word "while."
 The SPEAKER. The question is on agreeing to the amendment.
 The question was taken, and the amendment was agreed to.
 The Clerk read the next committee amendment, as follows:
 On page 2, line 4, strike out the colon and the words "provided that prosecutions."
 Mr. MANN. Mr. Speaker, I think there is an error in printing the amendment.
 The SPEAKER. Has the gentleman from Kentucky any explanation to offer to the gentleman from Illinois?
 Mr. JOHNSON of Kentucky. I have no explanation about it.
 Mr. MANN. I say the amendment as printed proposes to strike out "Provided, That prosecutions." The amendment strikes out the word "prosecutions." That would require prosecutions in two places. The amendment should be to strike out "Provided, That." The printing of the bill itself shows that.
 Mr. CULLOP. And there should be a period after the word "years."
 Mr. MANN. The report shows that the printing of the bill is erroneous, and that the amendment intended is to strike out the words "Provided, That," and to commence the word "prosecution" with a capital P.
 The SPEAKER. If there be no objection, the amendment, change, or correction suggested by the gentleman from Illinois will be agreed to.
 There was no objection.
 The Clerk read the next committee amendment, as follows:
 In line 6, strike out the colon and the remainder of the line. Strike out all of line 7 and line 8 down to and including the word "police."
 The amendment was agreed to.
 The Clerk read the next committee amendment, as follows:
 In line 9 insert, after the word "guarding," the word "legal."
 Mr. RAKER. Mr. Speaker, this amendment ought not to be adopted. If it is adopted, you will nullify the bill in part. Who is a legal prisoner? Are you going to wait until a man is convicted in order to determine that he is a legal prisoner? Must you try him before the officer is to take hold of him? I hope this amendment will not be agreed to.
 The question being taken, the amendment was rejected.
 The Clerk read the next committee amendment, as follows:
 In line 9 strike out the words "officials of the."
 The amendment was agreed to.
 The Clerk read the next committee amendment, as follows:
 Strike out all of line 10, after the word "states," and all of line 11, and all of line 12 to and including the word "duty."
 The amendment was agreed to.
 The Clerk read the next committee amendment, as follows:
 In lines 12 and 13 insert the words "marshals and their deputies while actually on official duty."
 Mr. RAKER. Mr. Speaker, I want to suggest to the House that the words in line 13, "while actually on official duty," ought not to remain in the bill. The marshal and his deputies ought to be permitted, while going to or from their homes or any other place, to have the necessary weapons, so that they may be able to use them when they get to the place of their official duty.
 Mr. MANN. I suggest to the gentleman that the words "on official duty" also apply not only to marshals but to police officers. If the amendment remains in the present form police officers, officers guarding prisoners, marshals, and their deputies while actually on official duty will not be liable under this act, but a police officer going home after he has finished his work will be compelled to take his revolver out of his pocket and hold it in his hand on the way home, thereby frightening everybody whom he meets.

Mr. RAKER. Is it not considered proper that an officer may carry the necessary weapons at all times?

Mr. MANN. I agree with the gentleman entirely, that the words "while actually on official duty" ought to be stricken out of the amendment.

Mr. RAKER. I move that the words "while actually on official duty" be stricken out of the amendment in line 13.

The SPEAKER. The Clerk will report the amendment to the amendment.

The Clerk read as follows:

In line 13 strike out of the amendment the words "while actually on official duty."

The amendment to the amendment was agreed to.

The SPEAKER. The question is on the amendment as amended.

The amendment as amended was agreed to.

The Clerk read the next committee amendment, as follows:

Strike out all of section 2 and insert the following:

"Any knife having a blade longer than 3 inches shall be deemed to be a deadly weapon."

Mr. MANN. I ask for a separate vote on those two propositions. The first is a motion to strike out. The second is not an amendment to take the place of what is stricken out; it is an entirely different proposition.

The SPEAKER. The Chair understands that it is divisible. The Clerk will report the first proposition.

The Clerk read as follows:

Strike out all of section 2.

Mr. RAKER. Mr. Speaker, it seems to me this part of the bill ought not to go out.

The SPEAKER. Will the gentleman from California [Mr. RAKER] suspend to allow the reading of the part that it is proposed to strike out?

The Clerk read as follows:

Strike out all of section 2, which reads as follows:

"SEC. 2. That so much of any section of the act approved May 11, 1898, entitled 'An act to punish the carrying or selling of deadly or dangerous weapons within the District of Columbia, and for other purposes,' which is inconsistent with this act, and only so far as the same may be inconsistent herewith, is hereby repealed."

Mr. RAKER. Mr. Speaker, the act referred to is section 855, and this act is intended to take the place of it. This bill makes a law which can be enforced, while section 855 contains this provision, to which I want to call the attention of the House:

SEC. 855. Carrying weapons: Any person who shall within the District of Columbia have concealed about his person any deadly or dangerous weapon, or who shall carry openly any such weapon, with intent to unlawfully use the same.

Now, this act takes out that provision; that is, the intent to unlawfully use the same, and makes the bill now, if it becomes a law, so that it will be effective; and when you find a man with a deadly weapon concealed on his person it then becomes effective, and upon the trial you do not have to prove what his intent was. The mere fact of his having the weapon concealed upon his person is the crime itself. To repeal this provision will give these gentlemen what they ask for, just what they desire; that is, to properly punish these men who are carrying around these various munitions of war. This amendment ought not to be allowed, and the original bill, as presented, ought to be so worded as to repeal section 855; otherwise you will have on the statute book a provision that you must prove that there was an intent to use the instrument before you can convict the man.

Mr. COOPER. Will the gentleman yield?

Mr. RAKER. I will yield to the distinguished gentleman from Wisconsin.

Mr. COOPER. I have not seen a copy of the law of 1898, to which the gentleman refers, but do I understand him to say that if this committee amendment be adopted a conviction under this bill, if enacted into law, would require the prosecution to prove the intent?

Mr. RAKER. I think so, as it becomes a part and parcel of the law, and the two will be construed together.

Mr. MANN. Oh, no.

Mr. RAKER. But there is so much danger in the matter.

Mr. MANN. If the gentleman will pardon me, I can see no reason in the world why section 2 should not remain in the bill, although I have not heard any reason given for striking it out, but this would be a law by itself and stand on its own feet in any event. It is possible that the other law might remain and give them an opportunity to proceed under one law or the other which might not be desirable.

Mr. RAKER. I do not know how they construe the statutes in Washington that are passed by Congress, but with us if a valid act is found in the code of law and there is another provision of law applicable to the same subject, if they are not in

conflict—and this would not be in conflict—they are construed together. Here would be one act saying it was unlawful to carry these weapons and in another act saying that before you can convict a man you must prove that he had an intent to unlawfully use it.

Mr. COOPER. Will the gentleman read that provision?

Mr. RAKER. Certainly; it is section 855:

Any person who shall in the District of Columbia have concealed on his person any deadly or dangerous weapon, or who shall carry upon it any such weapon with intent to unlawfully use the same, shall be fined not less than \$50 nor more than \$500, or be imprisoned not exceeding one year, or both.

And then it goes on with other provisions.

Mr. PADGETT. Does not the intent apply to the open carrying and not to the concealed carrying?

Mr. COOPER. Mr. Speaker, I desire to ask the gentleman one more question.

Mr. RAKER. I will yield.

Mr. COOPER. Does not the clause which the gentleman read refer to the open carrying, the public carrying of the weapon, and not refer to the concealed weapon?

Mr. RAKER. No; it refers back to three things: First, any person who shall have a deadly weapon with intent to unlawfully use it; next, any person who has a dangerous weapon and unlawfully intends to use it; third, any person who shall openly carry any such weapon with intent to unlawfully use it. The unlawful intent goes back to all the purposes. There could be no question but that it would apply to all of them, and you must prove on the trial, and the jury must find—did the man have the weapon; second, did he have it with intent unlawfully to use it. You will find that act is not repealed; it is not in conflict with this act.

The courts are bound to hold, and will instruct the jury that they must find, that the defendant had the weapon on him; second, that he had it on him with intent to unlawfully use it. So, if you are going to remodel this law, if you are going to make it so it is absolutely effective and give some results and take these dangerous deadly weapons away from men carrying them around, and make it so it will be enforceable, you must repeal that provision. The only thing the court will instruct the jury is, "Did the defendant at a certain time have upon his person the particular kind of weapon named? And if so, you should find him guilty."

Mr. MANN. Will the gentleman yield?

Mr. RAKER. Certainly.

Mr. MANN. Does the gentleman doubt our power in one provision of law to levy a penalty against the carrying of a weapon with intent to do a bodily injury, and in another provision of the law levy a penalty against carrying concealed weapons without regard to intent?

Mr. RAKER. I do. I think there is no question about that.

Mr. MANN. The gentleman thinks that we have not the power?

Mr. RAKER. I think we have, beyond any question.

Mr. MANN. Here is the section of the law that now exists, which provides a penalty for carrying a weapon, either concealed or openly, with intent to do bodily injury; and here is a bill before us to prohibit the carrying of concealed weapons, regardless of intent. Does the gentleman claim that when construing the provisions of this bill, if it becomes a law, the court will have to read into it a provision levying a penalty against an entirely different offense—that of carrying a weapon, concealed or openly, with intent to do bodily injury?

Mr. RAKER. Is it not a fact that this bill is intended to provide against the carrying of these weapons named in the bill, known as deadly weapons? That act is intended to provide for the same thing, only it has a further provision that you must prove that the man had it on his person, openly or concealed, with an intent to unlawfully use it.

Mr. MANN. But the gentleman will notice that this bill relates only to the carrying of concealed weapons, without regard to intent. The existing law provides against the carrying of weapons openly or concealed with intent to do a wrong.

Mr. RAKER. Mr. Speaker, I will concede this to the gentleman unquestionably, that under section 855, as to carrying weapons openly, that law will not be affected, but as to carrying concealed weapons, you add a new law, of the kind and character of this bill, which will control, and the question of intent will be there.

Mr. NORRIS. Mr. Speaker, will the gentleman yield?

Mr. RAKER. Certainly.

Mr. NORRIS. Mr. Speaker, I would like to suggest, in addition to what the gentleman from California [Mr. RAKER] said by way of answer to the gentleman from Illinois [Mr. MANN], that it strikes me that the court in the first instance, if we had these two laws on the statute books, would try to find out what

was the intention of Congress. There is no doubt in my mind but that we can do just what the gentleman from Illinois says.

Mr. RAKER. I concede that.

Mr. NORRIS. The court in determining our intention would take into consideration, to see whether we intended to repeal one law or another, the penalties in both of these acts, and it would then find that in the act which is the most severe, as far as the crime is concerned—that is, in the one where they prove intent, for instance, to commit a murder—the penalty provided is much less than the penalty provided in the other law, which simply provides against the carrying of concealed weapons.

Mr. RAKER. True.

Mr. NORRIS. And in doing that, it seems to me, the court would reach the conclusion that we could not have intended such a condition to exist.

Mr. RAKER. In other words, that Congress never intended to put a man in State prison for years for merely having on his person a knife with a blade 3 inches long concealed in his pocket without proving that he had it there to use it for some unlawful purpose.

Mr. NORRIS. The court, I think, would likely hold that Congress never intended that simply because a man had a weapon concealed without any proof of intent, or perhaps with proof of no bad intent, that he might be sent to the penitentiary for a year or three years; whereas as a matter of fact, if he was found with a revolver on his person concealed and there was proven an intent to use it to take human life, that he could be sent to jail for only 30 days. It seems to me that the propositions are inconsistent.

Mr. MANN. Mr. Speaker, will the gentleman from California yield, that I may ask the gentleman from Nebraska a question?

Mr. RAKER. Certainly.

Mr. MANN. Mr. Speaker, the gentleman from Nebraska and the gentleman from California, I think, has each distinguished the bench by being members thereof. I have never had that good fortune or bad fortune, whatever it may be called.

Mr. NORRIS. It is a bad fortune for the gentleman's people that he has not.

Mr. MANN. Do I understand that the court, the judge on the bench, when he is construing a recent act of Congress or of the legislature which is clear and explicit as to what is the crime and what shall be the penalty, has to go back a good many years to see what Congress thought 15 or 20 years ago?

Mr. NORRIS. Is the gentleman through with his question?

Mr. MANN. Yes.

Mr. NORRIS. I would say, in answer to that, that a court if it could, and the acts were consistent, would permit them both to stand.

Mr. MANN. There is no conflict in these acts.

Mr. NORRIS. But the court would look behind and find that where we provided for a heavy penalty the crime was a minor one, and where we provided a light penalty the crime was grave, so the court would be inclined to say that Congress did not mean to do such a foolish thing, and therefore would hold that both of the acts could not and would not stand.

Mr. MANN. Whether both would stand is another question; the last one would stand.

Mr. NORRIS. Well, there is no doubt about it.

Mr. MANN. Does the gentleman from Nebraska think that in a case like this that the court, taking the recent act of Congress, would read into that act provisions which were in a former act of Congress that entirely changed the scope of the recent act?

Mr. NORRIS. I do not say that. I say I believe, in answer to the gentleman's suggestion, that both of these acts will stand and both remain in force; that the court would be apt to hold, by the passage of this act, that we repealed the other one, that we provided for a lighter punishment for a heavier offense.

Mr. MANN. I think myself that it does not make any difference whether this act is repealed specifically or not; that to the extent we change the law the original act is repealed.

Mr. NORRIS. Well, I should think so.

Mr. MANN. I do not care whether it is repealed by special provision or not.

Mr. NORRIS. Or by implication.

Mr. RAKER. Will the gentleman permit me to ask him a question? Is it not a fact that it is a rare thing to find in any State an act where the mere fact of having one of these weapons on their person is a crime, and can the gentleman point out any particular State where such a statute is now in force?

Mr. MANN. I will say to the gentleman frankly I suppose if there is any Member of this House who is not familiar with the criminal laws of the country or the statutes I am that Member.

Mr. RAKER. I want to call the gentleman's attention to the reason I made the objection and it is this: In the present bill before the House I take from its language that where a man is charged under that act with having on his person or concealed on his person one of these instruments, you would not have to charge that he had it there with an intent of unlawfully using it, and upon the trial you would not undertake to prove that he had the intent unlawfully of using it, but the mere fact that within the District of Columbia he had that weapon concealed on his person he is guilty, and the jury should find him so under the instructions of the court.

Mr. COOPER. Mr. Speaker—

Mr. RAKER. I yield to the gentleman from Wisconsin.

Mr. COOPER. Mr. Speaker, I would like to call the attention of the gentleman from Nebraska to what the law would be if we enacted this bill. This is the existing law:

Any person who shall within the District of Columbia have concealed about his person any deadly or dangerous weapon, or who shall carry openly any such weapon, with intent to unlawfully use the same.

So the law now upon the statute books provides that if a man carries a concealed weapon, a dangerous weapon, or he carries the same weapon openly with intent so and so, he shall be punished. Surely there is no question about that at all. The comma in there, the punctuation, makes the last clause, with intent, to apply to both. There is no doubt about that; it is perfectly plain. Now, then, suppose that we omit all reference to the carrying of weapons openly, there being no reference to that in the pending bill, then if we enact this into law, what do we have?

We have this law upon the statute books, provided that if anyone carries a dangerous weapon concealed with intent unlawfully to use the same he shall be punished, and we put on the books a law providing that if he carries these weapons concealed at all, without any regard to intent, he shall be punished, and the amendment would strike out the repealing clause. Then we have, necessarily, to repeal this, or, if it is to be repealed by implication, the question is, What would the courts do?

Mr. RAKER. Is it not a fact that the best way to avoid the question of what the court might determine, if this bill should become a law, would be to strike out this, or, in other words, vote against this proposed amendment and leave the bill as it stands?

Mr. COOPER. The best way, in my judgment, would be, perhaps, to strike that out and insert an amendment repealing so much of section 855 as relates to the carrying of concealed and dangerous weapons.

Mr. MANN. That is all this does, really.

Mr. COOPER. That is what ought to be done, so there will be no necessity for any court to construe that at all, and that would make it perfectly clear, and it is not clear, as has been shown by the discussion here.

Mr. SIMS. Mr. Speaker, that section of the bill which is stricken out by way of amendment was drawn and put in by the corporation counsel of this District, for the purpose of making it clear that this act was to repeal so much of the act referred to as might be in conflict with this.

Mr. COOPER. Mr. Speaker, I move as a substitute for the committee amendment to strike out section 2 of the bill and insert:

So much of section 855 of the act approved May 11, 1898, entitled "Code of Law for the District of Columbia," as relates to the carrying of concealed or dangerous weapons in the District of Columbia is hereby repealed.

The SPEAKER. The Chair would like to inquire of the gentleman from Wisconsin if he means his amendment to take the place of the motion to strike out and insert? That is practically what this committee amendment is, and the part they propose to insert embraces two separate, substantive propositions.

Mr. MANN. Mr. Speaker, I call the attention of the Speaker to the fact that the part that is to be inserted does not in any way relate to section 2, and it would not have been germane to offer an amendment to strike out section 2 and insert these provisions. They are inserted as additional paragraphs to section 1, and intended so by the committee, and strike out section 2. They ought to have been printed ahead of section 2.

The SPEAKER. Of course that is true. The Chair was going to call attention to that. What the Chair was trying to get at was, Is the amendment of the gentleman from Wisconsin intended to take the place of it?

Mr. MANN. Of section 2, stricken out.

The SPEAKER. The Chair inquires of the gentleman from Wisconsin if the amendment which he has offered is to strike out section 2 and insert the matter proposed by him?

Mr. COOPER. Yes, sir.

Mr. MANN. Will the gentleman from Wisconsin [Mr. COOPER] yield?

Mr. COOPER. Yes.

Mr. MANN. Is not the provision in section 2, "that so much of the act referred to which is inconsistent with this act, and so far as the same may be inconsistent herewith," precisely the same thing as the gentleman's amendment?

Mr. RAKER. I do not think there is any question about it. That is what the gentleman means.

Mr. COOPER. I propose simply by my amendment to make it so plain that there would be no necessity for any future discussion such as has taken place here on the floor.

Mr. MANN. The discussion was partly in reference to other matters. I agreed that section 2 ought to remain in, but we wanted it understood in the House what was intended by it.

Mr. RAKER. It seems to me that the amendment as it stands now, if you leave section 2 as it is, covers the same purpose. It strikes me as being more general than the one suggested by the gentleman from Wisconsin.

Mr. COOPER. I made it apply specifically to concealed weapons.

Mr. RAKER. It is a better way in the repealing clause to specifically refer to the amendatory act than to say "inconsistent with this act." That requires a study of the act.

Mr. MANN. You can not name what is covered in that act. This act covers so much of or any section of the act which is "inconsistent with this act, and only in so far as the same may be inconsistent herewith."

Mr. RAKER. That covers it all.

Mr. MANN. The truth is, I felt like complimenting the gentleman from Tennessee [Mr. SIMS], who introduced the bill, on framing the best repealing clause I have ever seen in the House.

Mr. RAKER. Mr. Speaker, do I understand that we are entitled to have a vote upon this amendment as to the striking out of section 2 without any consideration as to the proposed additions here?

Mr. MANN. Yes.

The SPEAKER. The Chair did not understand the inquiry.

Mr. RAKER. Section 2, on page 2 of the bill, includes lines 15 to 21. Now, can not we have a vote on that, and then take up the other matters in relation to section 2, and not complicate them in any way?

The SPEAKER. That is exactly what the Chair was fixing to do a while ago. Now, the gentleman from Wisconsin [Mr. COOPER] offers an amendment which the Clerk can not understand.

Mr. COOPER. I think in view of what is being said here I will move to strike out the committee amendment.

The SPEAKER. The question is on voting down section 2—

Mr. COOPER. Vote down the committee amendment.

Mr. RAKER. That is right.

The SPEAKER. The amendment is to strike out section 2. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

Mr. RAKER. Now, Mr. Speaker, just one word on the other, namely, lines 22 and 23, inclusive. I move to strike out. The question is with the idea that a knife a sixteen-hundredth part of an inch over 3 inches is a deadly weapon is the most ridiculous thing I ever heard of in my life, and ought to be defeated.

The SPEAKER. There are three substantive propositions comprehended in italics.

Mr. MANN. I ask for a separate vote, Mr. Speaker.

The SPEAKER. The Clerk will report the first proposition. The Clerk read as follows:

Any knife having a blade longer than 3 inches shall be deemed to be a deadly weapon.

Mr. MANN. Mr. Speaker, I sympathize with the purpose of the committee in inserting this amendment, but it seems to be a mistake in some respects. A gentleman on the floor of the House a short time ago showed me a blade of a knife more than three inches long. The blade of an ordinary carpenter's knife would be more than three inches long. I have a number of pruning knives in my amateur garden at home that have blades that are more than three inches long. I would hate to think, if I had one of them in my pocket, that I might be arrested for carrying deadly weapons. Of course the provision in the bill applies to all kinds of knives, and, as I remarked before, it would apply to butcher knives, table knives, and all kinds of knives. I think the provision "deadly weapons" ought to be sufficient without inserting this.

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

The question was taken, and the amendment was rejected.

The SPEAKER. The Clerk will read the next proposition.

The Clerk read as follows:

So much of any act as empowers anybody or any court to authorize anyone to carry a concealed deadly weapon in the District of Columbia is hereby repealed.

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

The question was taken, and the amendment was rejected.

The SPEAKER. The Clerk will read the next amendment.

The Clerk read as follows:

Sec. 2. That this act shall take effect and be in force from and after its passage.

The SPEAKER. The Chair would suggest that if this section is to stand it should be marked "section 3."

Mr. MANN. Yes. I ask unanimous consent that that be made "section 3."

The SPEAKER. Without objection, it is so ordered. The question is on agreeing to that amendment.

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

Mr. CULLOP. Mr. Speaker, I move to amend by adding, in line 4, after the word "Columbia," the words "not then and there being a traveler."

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Indiana.

Mr. CULLOP. It should go on page 1, line 4, after the word "Columbia." Insert the words "not then and there being a traveler."

The Clerk read as follows:

In line 4, page 1, insert, after the word "Columbia," the words "not then and there being a traveler."

Mr. CULLOP. The purpose of this amendment, I think, may be explained by what has already occurred in the discussion. If a man is passing through the District of Columbia with a weapon on his person or in his grip—that is, about his person—he would be subject to prosecution and punishment under this act. If a man is on his way to attend to some business in a remote section of the country and passes through the District of Columbia and happens to stop off for an hour to change trains, he would be subject to the penalties of this bill if he carried a deadly weapon, although there was apparent need for him to carry it at his destination. In such event he ought not to be amenable.

Mr. RAKER. Mr. Speaker, will the gentleman yield for a question?

Mr. CULLOP. Yes.

Mr. RAKER. For the benefit of what might follow, the gentleman just used an expression that I want to ask him about. Does the gentleman contend that if a man has a deadly weapon, we will say a bowie knife or a loaded revolver, in his valise, that it is on his person and he would be punishable under this act?

Mr. CULLOP. This does not stop with "on his person." It says "on or about his person." If he is walking up the street with it in his grip, it is about his person. The provisions of the measure are made drastic on purpose. Anybody would so construe that language. I am trying to get it perfected so that it will fill a useful purpose and not be a dead letter on the statute books.

Mr. RAKER. And if a lady would have a bowie knife or a pistol in one of these hand grips with strings or chains on, that would be on her person, would it?

Mr. CULLOP. That is not a probable example, and I am surprised at such an illustration, but in such a case it would be on or about her person under this act as now proposed.

Mr. RAKER. Does the gentleman think it would cover a case of that kind?

Mr. CULLOP. That would come clearly within the definition of the measure as now proposed. It does not discriminate between somebody carrying it in a handbag or in a scabbard. The language employed is "on or about his person," and it contains no exception as to sex. All are treated alike.

Mr. RAKER. Take the case of a man going from the depot to a hotel with a six-shooter in his grip. Would that apply to him?

Mr. CULLOP. Yes. Why not? There is no exemption as it is now written. This amendment is very appropriate for that reason, and I hope it will be adopted. Its purpose must be conceded by all to be a good one and one that will aid in the enforcement of the measure when put into practical operation.

Mr. MADDEN. Mr. Speaker, I wish to offer an amendment to the amendment.

The SPEAKER. The gentleman from Illinois [Mr. MADDEN] offers an amendment to the amendment, which the Clerk will report.

The Clerk read as follows:

And it shall be the duty of the police of the District of Columbia to search every traveler entering the District and to confiscate any concealed weapon found in the possession of such traveler before allowing him to cross the line.

[Laughter.]

The SPEAKER. The question is on the amendment of the gentleman from Illinois [Mr. MADDEN] to the amendment of the gentleman from Indiana [Mr. CULLOP].

Mr. MANN. To what is that amendment offered?

Mr. MADDEN. It is an amendment to the amendment of the gentleman from Indiana [Mr. CULLOP].

The SPEAKER. If there be no objection, the Clerk will again report the amendment.

The amendment was again read.

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

The SPEAKER. The question is on the amendment of the gentleman from Indiana [Mr. CULLOP] as amended.

The question being taken, the amendment as amended was rejected.

Mr. MANN. Mr. Speaker, I move to reconsider the vote by which the amendment at the top of page 3 was disagreed to.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 3, insert as lines 1, 2, and 3 the following:

"So much of any act as empowers anybody or any court to authorize anyone to carry a concealed deadly weapon in the District of Columbia is hereby repealed."

Mr. MANN. Mr. Speaker, this amendment recommended by the committee, which was disagreed to a little while ago, proposes to repeal the law which empowers the courts to authorize any person to carry a concealed deadly weapon. I would like to inquire of the gentleman who introduced the bill whether, under the form of the bill as it now stands, it would be possible for a regular night watchman to carry a pistol or other weapon for his protection or for the pursuit of a criminal? It seems to me that there ought to be some provision inserted in the bill which would authorize a regular watchman to have some kind of a weapon.

Mr. SIMS. The exemptions in the bill as introduced are the exact exemptions contained in the District Code. I neither added to nor took away any exemptions. I simply changed the punishment. The Code of the District of Columbia as it now exists contains all the exemptions from liability which were contained in my bill as I originally introduced it. I did not feel like taking any responsibility of adding to or taking away from the exemptions. In other words, if it is unlawful now for a night watchman to be armed, it will be unlawful with this bill enacted into law. If it is lawful now, it will be lawful under the bill if it is passed without amendment in that regard.

The SPEAKER. The gentleman from Illinois [Mr. MANN] moves to reconsider the vote by which that amendment was rejected.

The question being taken, the motion to reconsider was agreed to.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend by inserting as lines 1, 2, and 3, on page 3, the words:

"So much of any act as empowers anybody or any court to authorize anyone to carry a concealed deadly weapon in the District of Columbia is hereby repealed."

The question being taken, the amendment was agreed to.

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

Mr. MANN. I move to amend the title by striking out of the first line the words "openly or."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend the title by striking out the words "openly or."

The amendment to the title was agreed to.

Mr. MANN. The title ought to be further amended by striking out the words "or dirk knife" and inserting in place thereof the words "clasp knife, razor."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Strike out of the title the words "or dirk knife" and insert the words "clasp knife, razor."

The amendment was agreed to.

Mr. RAKER. Will the gentleman from Illinois permit a question? Would it not be better to amend the title by inserting the words "upon or," before the word "about"? The title now reads "concealed about the person."

Mr. MANN. Personally, I think the word "about" covers both upon and about.

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

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment bill of the following title:

H. R. 20190. An act to extend the time for the construction of a dam across Rock River, Ill.

The message also announced that the Senate had passed the following resolutions:

Resolved, That the Secretary be directed to furnish to the House of Representatives, in compliance with its request, a duplicate engrossed copy of the bill (S. 2904) to confer upon the Commissioners of the District of Columbia authority to regulate the operation and equipment of the vehicles of the Metropolitan Coach Co.

Also:

Resolved, That the Secretary be directed to furnish to the House of Representatives, in compliance with its request, duplicate engrossed copies of the bills (S. 4314 and S. 4623) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

SPENCER ROBERTS.

Mr. JOHNSON of Kentucky. Mr. Speaker, in order to avoid going into Committee of the Whole twice I ask unanimous consent that the bill (H. R. 12371) for the relief of Spencer Roberts be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Kentucky asks unanimous consent that the bill H. R. 12371 be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

A bill (H. R. 12371) for the relief of Spencer Roberts, a member of the Metropolitan police force of the District of Columbia.

Be it enacted, etc., That the Commissioners of the District of Columbia are hereby authorized and empowered to appoint and promote Spencer Roberts, now a member of the Metropolitan police force of said District, in class 1, to any vacancy that may exist in class 3 of said Metropolitan police force.

The following committee amendments were read:

Amend, page 1, line 4, by striking out the word "empowered," and inserting in lieu thereof the word "directed."

Amend, page 1, line 4, by striking out after the word "to" the words "appoint and."

Amend, page 1, line 6, by striking out the word "any" and inserting in lieu thereof the words "the first."

Amend, page 1, line 6, by striking out the word "exist" and inserting in lieu thereof the word "occur."

Mr. JOHNSON of Kentucky. Mr. Speaker, the remainder of my time I yield to the gentleman from Rhode Island.

Mr. MANN. There is no time; we are in the House as in Committee of the Whole. Can the gentleman from Kentucky tell us whether the District Commissioners have any opposition to the passage of this bill?

Mr. O'SHAUNESSY. They have.

Mr. MANN. Are they opposed to the bill?

Mr. O'SHAUNESSY. They are opposed to the bill. Mr. Speaker—

The SPEAKER. The gentleman from Rhode Island is recognized for five minutes.

Mr. O'SHAUNESSY. Mr. Speaker, this bill is for the relief of a member of the police force of the District of Columbia who was unjustly discharged in 1905, it being then alleged that he made a false report to his superior officer, the substance of which was that he had been assaulted while on duty on his beat by two colored men and robbed of his revolver, and that his hat, gloves, and overcoat were badly slashed.

These matters came up for consideration before the police trial board, and he was reinstated in 1909, it being found that he told the truth and had been unjustly discharged. He has been reinstated by the commissioners, but he has lost his right to the grade in which he would now be if he had never been unjustly discharged. This bill merely restores him to the right that he would have had if he had not been unjustly discharged.

Mr. MANN. Will the gentleman yield?

Mr. O'SHAUNESSY. I will.

Mr. MANN. Does the gentleman think it is good policy for the Congress to require the commissioners or the superintendent of police to appoint or promote a police officer; does he think that the legislative body should undertake to usurp the functions of the administrative body and, in addition, to give to the commissioners the power to appoint and require them to appoint some one?

Mr. O'SHAUNESSY. I do, undoubtedly, because this man would have been entitled to this position if he had not been unjustly discharged.

Mr. MANN. I am sorry that I yielded to the request for the bill to be considered in the House as in Committee of the Whole.

Mr. O'SHAUNESSY. If the man has been unjustly removed, he should be restored and have every right and privilege as if he had not been discharged.

Mr. MANN. That goes without saying; that is laying down an axiomatic truth. But is the opinion of Congress that a man has been unjustly removed to be imposed upon the administrative officers who are in superior control of the man? We never have done it in any other case. We frequently pass bills giving the President the power to appoint somebody in the Army or the Navy, either on the active or retired list, and various things of that sort, but in no case have we compelled the appointment. I say that, in my judgment, the President of the United States, if he performs his duty properly, will not look at this bill a minute before he vetoes it. If you want to give the commissioners power to appoint this man I have no objection.

Mr. O'SHAUNESSY. I will say that it is not Congress that is forming the judgment that he was unjustly removed; the commission has formed that judgment, and by virtue of that they should reinstate him. We are directing them to do a simple act of justice.

Mr. MANN. Evidently they do not agree with you about it.

Mr. O'SHAUNESSY. That makes no difference.

Mr. MANN. I think it makes a great deal of difference as to whether the legislative body shall undertake to direct and require the appointment of some one by the administrative body. No such bill has ever been passed by Congress before within my knowledge. This bill was not proposed that way; the gentleman who prepared the bill only proposed to empower the commissioners to make the appointment. The committee proposes to amend it by directing them to make the promotion or appointment—a power over which the legislative part of the Government has no control.

It is the duty of the Executive or administration to make appointments. We may vary the law by giving them authority to make appointments where we have a police law, but by what right do we undertake to say that a particular man shall be appointed to a particular place? I have always resisted the executive encroachment upon the legislative powers, and I shall resist the encroachment of the legislative upon the administrative power.

Mr. O'SHAUNESSY. We want to make sure of the restitution of this man to his rights.

Mr. MANN. The amendment that is pending is to strike out the word "empowered" and insert the word "directed." The bill, as introduced, reads:

That the Commissioners of the District of Columbia are hereby authorized and empowered to appoint and promote Spencer Roberts.

I do not know what the circumstances of the case are. I read the report. The report indicates that this man has been unfairly treated, not by reason of the fault of anyone in the department. The circumstances are not set out very fully. Charged once with some offense, he was acquitted, but was afterwards dismissed. If the superintendent of police and the District Commissioners, who were charged with the control of the police force, and the whole force, being charged with the administration of the police laws of the District, think that this man ought to be appointed or promoted, authority conferred upon them is enough.

Mr. MADDEN. Have they not that power now?

Mr. MANN. They have not under existing law. The law requires a man to serve a certain length of time in one class in order to be promoted to another class. If, in addition to that, we propose to tell them that they must do it, then there is no discipline left in the police department. Such an amendment ought not to be agreed to, in my judgment.

Mr. O'SHAUNESSY. Mr. Speaker, I ask unanimous consent to proceed for five minutes.

The SPEAKER. The gentleman from Rhode Island asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. O'SHAUNESSY. Mr. Speaker, I have no reason to believe that the commissioners would do this act of justice. I have no reason, perhaps, to know that they would not do it. I have not communicated with them. I do not know what their thoughts or intentions are in the premises, but in order that all doubt may be dissipated, and in order that there may be absolute relief afforded this man, I do not believe that we should stand on any technicality just now, but that we should give him his rights as long as we have the power to do it.

Mr. MADDEN. Mr. Speaker, will the gentleman yield?

Mr. O'SHAUNESSY. Yes.

Mr. MADDEN. Does the gentleman think that the Members of Congress are in a position to know just exactly what the Commissioners of the District should do in the matter of disciplining members of the police force?

Mr. O'SHAUNESSY. But he is not under discipline.

Mr. MADDEN. Does the gentleman think it would be wise for the legislative branch of the Government to say to the executive branch of the Government, "You must conduct your affairs along certain lines, and if you do not do that we will enact laws that will direct you to do it, regardless of whether it is going to destroy discipline or not?"

Mr. O'SHAUNESSY. I do not believe that it would be destructive of discipline for the reason that the man is not under discipline. He has been restored. It has been recognized that he was unjustly dealt with.

Mr. MADDEN. But does not the gentleman realize that if this man can get what he wants, regardless of whether the commissioners want him to have it or not, that that takes away the power of the commissioners to enforce discipline?

Mr. O'SHAUNESSY. Not at all.

Mr. MADDEN. Certainly it does.

Mr. O'SHAUNESSY. Not at all. The man is not under charges.

Mr. MADDEN. If this man can get it, every policeman knows that he can get what he wants, so there will not be any discipline in the police department.

Mr. O'SHAUNESSY. Let me say, Mr. Speaker, that if there is any policeman on the police force in this District who has been dealt with in the manner in which this man has been dealt with, he is entitled to the same justice that we believe ought to be given this man.

Mr. MADDEN. Will the gentleman tell the House what treatment this man has had to which he objects? He has not told the House anything at all about the unjust treatment the man has received. The House is not in possession of any facts to justify it in acting upon the bill that is presented by this committee.

Mr. O'SHAUNESSY. In 1905 he found himself dismissed from the service, or was forced to resign, which was the equivalent of being dismissed, by virtue of the fact that a false conclusion had been arrived at by those who heard his case. He was without pay for four years. He is not looking for any back pay. If full justice were done this man, he would get back pay from the time he was forced to resign until he was reinstated.

Mr. MADDEN. What evidence has the gentleman to prove that the man was unjustly treated?

The SPEAKER. The time of the gentleman from Rhode Island has again expired.

Mr. O'SHAUNESSY. Mr. Speaker, I ask unanimous consent that I may proceed for five minutes more.

The SPEAKER. The gentleman from Rhode Island asks unanimous consent that he may proceed for five minutes. Is there objection?

There was no objection.

Mr. O'SHAUNESSY. Mr. Speaker, anticipating that some questions of this character might be asked, I suggested to the attorney for Mr. Roberts that he procure a letter from the gentleman who was one of the commissioners at the time this trouble occurred, and I am going to read that letter:

THE WASHINGTON HERALD,
Washington, D. C., February 16, 1912.

HON. GEO. F. O'SHAUNESSY,
House of Representatives, Washington, D. C.

DEAR SIR: Relative to a bill now before Congress for the relief of Spencer Roberts, having for its purpose his promotion to that class on the Metropolitan police force to which he would have been entitled had he not resigned in the year 1905, I beg to say that his resignation was enforced and was in reality brought about by the charge against him of having made a false report to his superior officers. It is true he was acquitted of that charge by the police trial board, but there was left great doubt as to the correctness of the charge until long after his enforced resignation, when the whole matter was fully cleared up and Mr. Roberts exonerated by the Board of Commissioners of the District of Columbia, and by that board's direction reappointed on the force.

The charge against him of having purchased some liquor while on duty, which liquor was not used by him but taken to his family, was a minor matter, and he would never have been removed or forced to resign on that account, the real cause being, as stated, the alleged false report.

I think the passage of the bill would be a simple act of justice to Mr. Roberts.

Very truly, yours,

HENRY L. WEST.

Mr. JACKSON. Mr. Speaker, will the gentleman permit a question?

Mr. O'SHAUNESSY. I will.

Mr. JACKSON. Was that letter which the gentleman has just read written before or after the amendment proposed by the committee?

Mr. O'SHAUNESSY. The letter is dated February 16, 1912.

Mr. JACKSON. Well, was that before the committee proposed to strike out the word "empowered" and write in the word "directed"?

Mr. O'SHAUNESSY. It was.

Mr. JACKSON. I understood the gentleman to say, or some one to say, that this bill had been drawn by another than the committee.

Mr. O'SHAUNESSY. The bill was drawn by a Member not of the committee.

Mr. JACKSON. One other question I would like to ask the gentleman. Would this man have been entitled to this appointment—that is, would it have been compulsory under the law for this man to have been in the first grade now had he not been removed?

Mr. O'SHAUNESSY. I believe so.

Mr. JACKSON. The commissioners had no discretion whether he received this appointment or not if he had served that long. In other words, does this grade depend entirely upon length of service?

Mr. O'SHAUNESSY. Length of service and faithful performance of duty.

Mr. JACKSON. Well, have the commissioners any discretion as to the character of service that entitles one to promotion?

Mr. O'SHAUNESSY. Without question they have.

Mr. JACKSON. They have?

Mr. O'SHAUNESSY. Without a question.

Mr. JACKSON. Then if the bill is passed in its present form, as has been suggested here, it will be practically Congress selecting this man to be a member of the first grade.

Mr. O'SHAUNESSY. Because all the time he has done duty he has performed his duty faithfully, and it is only to be presumed he would have performed his duty just as faithfully all the while had he not been removed. Now, I want to say to the gentleman, think of the wages this man has lost, and then ask yourself if we are doing ample justice in merely restoring him to the grade which he would occupy.

Mr. JACKSON. Is there any proposition to pay wages? That is another matter; but the question I was calling to the gentleman's attention is, Are not we substituting the Congress to do the very thing these commissioners are supposed to do?

Mr. O'SHAUNESSY. I can not agree with the gentleman on that proposition; I do not think so.

Mr. MADDEN. Mr. Speaker, I would be the last man on the floor of this House to do an injustice to any man who may be in any kind of employment, but I do not believe that this House has sufficient information upon which to base action asking the Commissioners of the District of Columbia to place this man in a given grade. I believe if we give the commissioners the power to place him in a grade that we have done everything we ought to do. Suppose we directed them to do it. They will be obliged to do so. If we give them the power, then it is optional with them whether they shall do it or not; and I have faith in the integrity of the commissioners sufficient to warrant me in believing that if this man is entitled to be promoted, if the commissioners have the power, he will be promoted. No act of Congress could be more destructive of discipline than the one sought by this bill. There is no business enterprise anywhere on the face of the civilized globe that could be successfully conducted under such a plan as this. The executive authority in any business enterprise must have discretionary power to regulate the discipline of that enterprise or it will fail.

The Government of the United States, or the District of Columbia, is only a business institution after all in which every citizen of the land is a stockholder, and it becomes the duty of the stockholder to do everything within his power to sustain the executive officers chosen in the proper performance of their duty; and no policeman, no matter how distinguished the service he may have rendered, should find himself in a position of saying to the executive authority over him that he can get what he wants regardless of what the disposition of the executive officer may be. This is a bad precedent which ought not to be established. If this man has had any injustice done him I believe it ought to be rectified, and I believe that when we give the power to the commissioners to reinstate him that we have rectified that injustice. Ah, but the gentleman from Rhode Island stated, he has been four years without pay. True, he was off the force for four years and during that time he drew no money out of the Public Treasury, but I do not assume, and I would not care to assume, that during that four years he was idle. Who knows but that during that period he earned more in the employment in which he was then engaged than he would have earned if he had been on the police pay rolls? Give the power to the commissioners to do this man simple justice, but do not, under any circumstances, direct that he shall be reinstated regardless of whether it is just or not. I hope with all my heart and with every intention to do justice to this man, as I would to any other man who is obliged to work for a living, that this amendment will not prevail. [Applause.]

Mr. LOBECK. Mr. Speaker, this police officer, Mr. Roberts, made a report on a certain occasion, as I recall it in the year 1905, that he had been beaten by some colored men, his clothing destroyed, and his revolver taken. His report was not believed and he was found guilty of misrepresentation, as I understand it, by the police trial board and he was obliged to resign, preferring to resign rather than be dismissed from the service.

A year or more afterwards one of the colored men, William Wooden, alias Hog Eye, whom Officer Roberts had described and given the name of as one of the two men that had assaulted and robbed him, was arrested and found to have in his possession the revolver taken from Roberts. This man pleaded guilty, and confessed to the assault and robbery just as Officer Roberts had reported, and was sentenced to imprisonment, and Officer Roberts was later reinstated and has made good.

Mr. WILLIS. Will the gentleman yield?

Mr. LOBECK. Yes.

Mr. WILLIS. I am anxious for some one to give a reason why the commissioners would not do justice to this man if they were empowered to do so. Why is it not a sufficient compliance if we give them the power to reinstate the officer? Why must we go ahead and say here that he must be reinstated regardless of the facts and the judgment of the commissioners?

Mr. LOBECK. Just the same as when the executive of a business corporation, as referred to by the gentleman from Illinois [Mr. MADDEN], is directed by the board of directors, and must do as directed. The District Commissioners will not give this man the proper rank that he is fairly entitled to when a vacancy occurs, for some reason unknown and unexplainable.

Mr. WILLIS. Will the gentleman yield?

The SPEAKER. Does the gentleman from Nebraska [Mr. LOBECK] yield to the gentleman from Ohio [Mr. WILLIS].

Mr. LOBECK. Certainly.

Mr. WILLIS. That is the precise point on which I want to get information. How does he know they will not do the officer justice? How does he find it out? The gentleman from Rhode Island [Mr. O'SHAUNESSY] also stated that. How do you know it?

Mr. LOBECK. We were informed to that effect.

Mr. WILLIS. How did you get the information?

Mr. LOBECK. There have been letters on file to that effect.

Mr. WILLIS. Well, they ought to be in the report. The House is called upon to act here on information that the gentleman says is contained in letters.

Mr. LOBECK. I did not make the report; but this is simple justice to a man who has performed faithful service. There is no question as to his fidelity in the work done in this city. He is an honest, sober, and efficient officer, and I believe it is within the power of Members of this House to do simple justice to a man who has been faithful if the District Commissioners will not do so.

Mr. KONOP. Did the District Commissioners inform the committee that they were opposed to this measure?

Mr. LOBECK. This is information that is one or more years old.

Mr. KONOP. Did they inform the committee by communication?

Mr. LOBECK. I think by communication.

Mr. KONOP. What reason did they give?

Mr. LOBECK. The same reason that the gentleman from Illinois [Mr. MANN] gave, namely, that it might have an effect on the efficiency of the service.

Mr. GOOD. Mr. Speaker—

The SPEAKER. The gentleman from Iowa [Mr. GOOD] is recognized.

Mr. GOOD. Mr. Speaker, I can hardly understand the generosity of the District Committee. This bill shows on its face that it was introduced by request. The man who requested its introduction must have been the attorney for Spencer Roberts, or Spencer Roberts himself. It must have been satisfactory to Spencer Roberts and Spencer Roberts's attorney when it was introduced, and why should the District Committee bring in this bill now with an amendment which changes the whole tenor of the bill? The bill as introduced gave the commissioners authority to advance Mr. Roberts, but by the amendment they are directed that he shall be advanced. The committee say now that they have information that the District Commissioners will not do justice to this man. If this bill passes as originally introduced I doubt very much if the facts that are contained in this report are brought to the attention of the District Commissioners, if they will refuse to do simple justice to this police officer, who was undoubtedly wrongfully discharged. But, Mr.

Speaker, I think by the adoption of the committee amendment we will be setting a precedent that will lead this House and Congress into ways for which we will be sorry. Are we to sit as a body listening to the demands and appeals and to redress the wrongs of every police officer and every fireman? We have written in the statute books a wise provision in regard to their promotion, and I am in favor of the bill as it was originally introduced, and I am opposed to the committee amendment. It will do no harm to pass the bill as introduced, and will give the commissioners authority to right a wrong. But for this House to say, on the information that is before it, that this man Spencer Roberts is entitled to greater relief than he himself thought he was entitled to when he asked that the bill be introduced, it seems to me is going a little bit too far.

The letter that was read by the gentleman from Rhode Island, if he will note, was dated sometime in February, 1912. The bill that was before that committee then was not the bill that was reported here with this amendment. The bill upon which that letter was based was the bill which was originally introduced—a bill that simply empowered the commissioners to reinstate him. The bill as amended was not reported to this House striking out the word "empowering" and inserting the word "directing" until more than a week after the letter was written, and therefore could not have been the same bill that was put before the commissioners. It seems to me that the amendment reported by the committee should not prevail.

Mr. WILLIS. Mr. Speaker, I am certainly as much disposed as any Member of this House or this committee can possibly be to do justice to this man.

I can not see upon what theory the committee proceed when they assume, if we give to the commissioners power to reinstate this man and promote him to this grade, that the commissioners are not going to act justly. There is no enlightening information in the report that accompanies this bill. I have read it all. What right have we to assume that the Commissioners of the District are not just as much disposed to do justice in this case as is the membership of this House? It is their business to know about things of this sort. The Members of this House do not know the details of this case. The members of the committee do not know the details of this case. At any rate, they have not set them forth here, except as they have read them from the report of the committee, and we have all done that.

Mr. LOBECK. We know those things to be facts.

Mr. O'SHAUNESSY. If the gentleman will yield to me, I would like to enlighten him by reading this letter.

Mr. WILLIS. I will be glad, if I can get more time.

Mr. O'SHAUNESSY. This is the letter:

OFFICE OF THE CORPORATION COUNSEL,
COLUMBIAN BUILDING,
Washington, August 4, 1906.

Hon. HENRY L. WEST,
Commissioner, District of Columbia.

DEAR SIR: I have very carefully considered the application of Mr. Spencer Roberts for reinstatement to the office of private on the Metropolitan police force, and beg to state that, in my opinion, the application should be granted.

Mr. Roberts was tried March 17, 1905, while I was chairman of the police trial board, upon a complaint charging, in the first specification, that on January 27, 1905, while on duty, he procured certain intoxicating liquor from one Farrell, a saloon keeper, through one Sindy Small; and charging, in the second specification, that the accused, on said date, drank said intoxicating liquor while on duty.

Upon consideration of the evidence then submitted, the trial board found the accused guilty of the charges set forth in the first specification, and not guilty of the charge of having drunk the intoxicating liquor; and as a punishment for the offense of procuring the liquor in question, while on duty, the board recommended the removal of the officer from the force. This recommendation was approved by the major and superintendent of police, and the commissioners were about to pass an order giving effect to the recommendation, when, to avoid dismissal, Mr. Roberts resigned. Shortly thereafter the trial board was directed to give Mr. Roberts a rehearing, upon the statement of Mr. M. A. Ballinger, his attorney, that he had been unable to secure the attendance of certain material witnesses at the former hearing.

The rehearing took place in May, 1905, at police headquarters, when Mrs. Roberts, the wife of the accused, John W. Keetz, Charles Anderson, Dr. Stone, Sergt. Kramer, Sergt. Schneider, Sergt. Conlon, Capt. Connor, Christian Hansen, and Mr. Ballinger, gave additional testimony in behalf of Mr. Roberts, and Mr. Roberts himself gave further testimony at this hearing.

Whilst I concurred in the finding of the trial board I was never altogether satisfied of Mr. Roberts's guilt. I feared, from the first, that the board had made a mistake, and after hearing the testimony of the witnesses mentioned above, given on the rehearing, it became clearly apparent, to my mind, that the officer had been unjustly convicted; and I went to you at once and told you that I thought Mr. Roberts was an innocent man and the victim of a conspiracy. I still hold to this opinion, and the opinion has been strengthened by a recent reading of the testimony. The officer undoubtedly gave the order for the liquor, as charged in the complaint; he admits that he did, but it seems to me that any fair, unbiased reading of the testimony, even by one who did not see the witnesses, and their demeanor, while they gave their testimony, will show that the accused was not on duty at the time the order for liquor was given to Small.

I desire to state that my concurrence in the finding of the trial board was not based, in any degree, upon the testimony of the complaining witness, Small. I wouldn't convict a man upon the testimony of 10 Smalls. From Small's demeanor upon the witness stand and his mani-

fest prejudice against Mr. Roberts, I reached the conclusion that he was unworthy of belief, and I accordingly disregarded his testimony.

In this connection I beg to call attention to the contents of the report of Capt. Swindells, dated June 26, 1905, which will be found amongst the papers in this case. It will be seen that after the rehearing Capt. Swindells, without notice to Mr. Roberts or his attorney, summoned this man Small to his office and had him make certain statements in reply to witnesses who gave evidence in behalf of Mr. Roberts on the rehearing. I need not say that it was improper for the captain to do this. If he wanted more light and thought that he could get it from Small, he surely should have had him summoned before the trial board and notified Mr. Roberts's counsel and given him an opportunity to appear and cross-examine the witness. I respectfully submit that these ex parte statements have no place in the case and should not be considered.

The SPEAKER. The time of the gentleman has expired.

Mr. WILLIS. Mr. Speaker, I ask for five minutes more, so that the gentleman can finish the reading of the letter in my time.

The SPEAKER. The gentleman from Ohio [Mr. WILLIS] asks unanimous consent that his time be extended five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. O'SHAUNESSY. The letter proceeds:

I also find amongst the papers a "report" made by Pvt. J. S. Johnson as the result of an investigation as to the character of J. W. Keetz, which Capt. Swindells appears to have requested him to make. It would be just as improper to consider the statements set forth in this report as to consider the ex parte statements of Small—in fact, more improper. The persons who appear to have been interviewed by Johnson were not under oath; and if they had been summoned before the trial board I seriously doubt whether they could have qualified as witnesses.

The fact that the witness Keetz forfeited collateral in the police court once upon a time would have very little weight, even if it had been proven in the regular and proper way. Mere forfeiture of collateral in the police court does not necessarily import guilt. I have frequently heard of innocent persons forfeiting small collateral in preference to going to the police court. I once had occasion to argue that guilt must be inferred from the mere forfeiture of collateral, and the court held that my contention was not well founded and decided against me.

So that I submit that the mere fact that Mr. Keetz once forfeited collateral in the police court in the sum of \$10 does not render him unworthy of credence.

According to the testimony, Mr. Roberts has by no means a bad record, and he has been a good, efficient policeman. The worst that can be said against him is that he has been at times a little overzealous in the performance of his duties. He was convicted of conduct unbecoming an officer on December 22, 1904, and fined \$25 and warned, and that was the only conviction standing against him at the time he was convicted of the offense of giving an order on a saloon keeper for intoxicating liquor while on duty. I will venture the assertion that there are a great many men on the force with worse records than Roberts.

I believe Roberts told the truth in this case, but I must confess that I thought otherwise from the testimony first submitted to the board; else I should never have assented to the recommendation for removal from the force.

I have the honor to suggest that if you decide to look into this case that you carefully read Mr. Roberts's application for reinstatement. I think it is very worthy of consideration. It has made a favorable impression on me, and I think it contains very little that could be called exaggeration, notwithstanding the fact that it was probably prepared by Mr. Roberts's counsel.

I have taken more than ordinary interest in this case because of my belief in Mr. Roberts's innocence of the offense for which he was driven to resign, and because I myself, in a measure, am responsible for his being off the force, owing to my concurrence in the trial board's finding. He was wrongfully convicted, and I say let justice be done him though the heavens fall. *Fiat justitia ruat cælum.*

The resignation was to all intents and purposes a dismissal from the force, and there can be no question, it seems to me, as to the authority of the commissioners to reinstate the applicant. If the commissioners reach the conclusion that he was improperly convicted, all that will be necessary will be to pass an order vacating and setting aside the order accepting Mr. Roberts's resignation and directing his restoration to duty.

The importance of this case and my desire to see justice done the applicant furnish my only apology for the length of this communication.

I have the honor to be,

Very respectfully, yours,

Mr. WILLIS. Who signed that letter? That is what I am waiting for.

Mr. O'SHAUNESSY. It is signed by A. Leftwich Sinclair, special counsel. He was one of the trial board, as you will see, that convicted the man.

Mr. WILLIS. Mr. Speaker, if any further evidence were necessary to show that this amendment ought not to be adopted, or, if adopted, that the bill ought not to pass, the communication that the gentleman from Rhode Island [Mr. O'SHAUNESSY] has read has furnished that evidence.

The question before the House is this: Shall we set aside the duly and properly constituted authorities, those who are placed at the head of the police department, and then, upon a mere statement or a letter written by somebody, special counsel for somebody—

Mr. O'SHAUNESSY. Of the police commissioners—

Mr. WILLIS. The Members of the House are called upon to pass upon the intricacies of these cases of promotion—

Mr. LOBECK. He states that this was the special counsel for the commissioners.

Mr. WILLIS. I do not care anything about who it is. The point I am making is this: That the law provides a method

whereby these matters can be attended to, and if the committee had reported this bill in the form in which the bill was originally introduced the commissioners would be given complete power in the premises. But they put that aside. This matter is brought in here, and if this is to be relied upon as a precedent hereafter when there is any trouble in the police force, cases are to be brought in here, letters are to be read, and prejudices are to be aired, and you will have an absolute end of all discipline in the police department of the District of Columbia.

Now, I submit, Mr. Speaker, that the sensible thing to do in this case is to proceed in the proper way. I do not want to do anything but justice. It is not necessary to argue with me that this man is an excellent policeman. I have no question about that. I feel sure he is. The point I make is that you are not proceeding now in the proper way.

Mr. O'SHAUNESSY. I want to say, Mr. Speaker, that we can save further discussion by accepting the bill in its original shape.

Mr. WILLIS. Then I have nothing more to say. I am perfectly satisfied.

The SPEAKER. The time of the gentleman has expired.

Mr. GARDNER of New Jersey. Mr. Speaker, I ask unanimous consent to insert some remarks in the Record.

The SPEAKER. The gentleman from New Jersey [Mr. GARDNER] asks unanimous consent to print some remarks in the Record. On this bill?

Mr. GARDNER of New Jersey. No.

The SPEAKER. Is there objection?

Mr. AKIN of New York. Reserving the right to object, I should like to ask the gentleman if he has any letters that were purloined from my office and is going to insert them in the Record? I notice that there has been printed in the Record a letter that it is claimed was sent to me. If he will assure me that there is nothing that I have anything to do with, I will withdraw my objection.

Mr. GARDNER of New Jersey. I give the gentleman that assurance.

The SPEAKER. Is there objection?

There was no objection.

Mr. GARDNER of New Jersey. Mr. Speaker, the Republican Party is in no wise responsible for the high cost of living, except as it is responsible for better living.

More than this, the voter who would endeavor to escape the burden of this high cost by voting for Democratic candidates will not only fail to accomplish his desired relief, but he will find that he has invited a condition of universal distress.

Neither Republican laws nor Republican policies have occasioned the high prices which prevail, except as they have caused unexampled prosperity, which enables the burden to be more easily borne, while if the Democratic Party should come into power there will be a repetition of the hard times in 1893, when the workmen of the country made a sorrowful procession to the soup houses.

No one questions the fact that during the past 20 years there has been a steady rise in the cost of the necessities of life. Men and women who have hitherto lived in comparative ease and comfort—who have, at least, from fixed incomes been able to meet their expenses without incurring debt—now find that they must exercise the strictest economy if they are to live within their income. Those whose incomes from their occupations have not increased work harder and enjoy less. The problem of making both ends meet carries with it much anxiety.

In a country like the United States, in which the political instinct is highly developed, there is a natural tendency to give to everything, from the most commonplace municipal ordinance to the ratification of a treaty or a decision of the Supreme Court of the United States, a political status. There exists, therefore, in the minds of many a belief that a political organization is responsible for unsatisfactory and undesirable conditions, even though these conditions bear no relation either to politics or to any system of government. The political organization in power is the Republican Party, and many well-meaning people believe that somehow it is responsible for their present situation.

Nothing could be further from the truth. Not only this, but the election of a Democratic administration would impose upon the country a period of absolute distress.

If the increase in the cost of living was confined to the United States, there might be some foundation for the assertion that it is due to the long-continued control of national affairs by the Republican Party.

On the contrary, the high cost of living is not experienced alone in this country. It is a world-wide problem. The reports from consular officers, obtained by direction of President Taft, and by him transmitted to Congress, demonstrate this fact. Prices have risen even in free-trade countries. Even in

distant Tokio the problem has become most acute. In Manchester, England, the figures show that the increase has been 13.6 per cent over 1898. The consul general at Paris reports that the increased cost of ordinary foodstuffs in northern France has become the most generally absorbing topic of public interest.

In Germany living conditions have been seriously affected by the continued rise in the price of food products, many of the commodities having advanced beyond all previous records. In Holland prices have been steadily rising since 1896. An official agricultural report covering important articles, such as beef, pork, eggs, butter, ham, wheat, and beet sugar, shows that the increase has ranged from 16 to 55 per cent in the 12 years following 1898. These products had also risen in price in 1911 as compared with 1910, and vegetables were also higher. In brief, every country in the world is struggling with the problem of higher cost of living.

If the trouble is universal the cause must be universal.

As money becomes more and more plentiful its purchasing power decreases. In the olden days in this country it required a basketful of Continental currency to purchase a barrel of flour, and when the printing presses of the Confederate States were turning out reams of paper money it cost a thousand dollars to buy a bushel of potatoes. Gold is now the basis of money, and there is more gold in the world today than ever before.

We are now producing about \$500,000,000 annually, whereas 20 years ago the average yearly output was only \$100,000,000. In 25 years the average annual production has been quintupled and in 10 years the increase has doubled. This enormous addition to the basic money of the world has been a prime factor in lifting prices of commodities from their former level. We passed through the same experience in this country in 1850, following the sudden and spectacular discovery of gold in California. Then, as now, prices soared, and the effect was felt throughout the world. The contribution of California to the world's gold supply was, however, insignificant as compared with the amount which is now being extracted from the mines of South Africa, Australia, and the United States, including Alaska. There is no immediate likelihood of a diminution in the supply.

While the increase in the supply of gold is unquestionably the principal factor in the situation, there are other causes which must be considered. Not one of them, however, is directly or indirectly traceable to Republican legislation or policies and could not be affected by a change of administration.

First, the highly complex civilization which we have developed in this country compels a larger degree of expense in our daily existence.

Humanity rightly demands a constantly improving environment. The homes in which our people live are properly equipped with conveniences unknown to our forefathers. The day of the tallow candle has passed. The necessities of to-day were unattainable luxuries two generations ago. Universal education has stimulated higher ideals of living, and these, while tending toward the improvement of the race, are not to be enjoyed without consequent additional expenditure. The single item of the telephone is an illustration. We are spending millions upon millions of dollars each year for the use and enjoyment of an invention which has become necessary to the conduct of our daily life. The automobile, while still a luxury to many, has also demonstrated its usefulness as a rapid means of locomotion and is deemed a requisite to the successful transaction of business. Innumerable instances of similar character might be cited as indicating drains upon the individual purse which did not present themselves in former years.

Second, the production of foodstuffs has not kept pace in this country with the growth of population.

There is, unfortunately, a trend away from the farm to the urban centers. The statistics of the census are convincing upon this point. Between 1880 and 1890 the increase in the number of persons engaged in agricultural pursuits was only 50 per cent, while in the same period the increase in the number engaged in manufacturing industries was 100 per cent. The figures of the census also show that between 1900 and 1910 there was a drift of 11.6 per cent of the population toward the nonproducing food centers. The result of this movement toward the cities is shown in the decrease in the acreage of cereals harvested and in the quantity of cereals produced in the United States. The increase in the acreage of cereals harvested between 1900 and 1910 was only 3 per cent, while during the same period the increase in population was 18 per cent.

If we do not produce food in a ratio commensurate with the growth of population, the law of supply and demand will operate to raise the price of foodstuffs.

People must eat to live. Food is a necessity, and if the supply becomes less adequate, which is the present fact, the available supply must increase in value. Out of this situation, however, the farmer emerges with much profit. The prosperity of the agriculturists in a large part of our country has never been so great as during the past two decades. The increase in the value of farm lands has been phenomenal and is to be recorded in billions of dollars—figures which are almost incomprehensible. Not only this, but the statistics of the Department of Agriculture show that the average increase in the price of articles purchased by the farmer has been only 12.1 per cent, while the average rate of increase in acreage values was 72.7 per cent, or six times as much. Thus the farmer has not been heavily burdened by comparison as a consumer, and yet has been able to market his product at a larger profit.

As a Nation we must rejoice that this prosperity has been experienced by the agricultural classes. The farmers constitute the bone and sinew of our population. In intelligence, regard for law, and industrious application they excel the tiller of the soil in other countries. A Republican administration has afforded them, through the institution of the free rural delivery of mail, exceptional advantages for prompt communication in matters of business and in the receipt of daily and weekly literature. In addition to this, the banking facilities in agricultural sections have greatly improved, while the efforts which are being made in various localities, through agricultural colleges and experiment stations, developed under the broad and liberal policies of Republican administration, are producing excellent results. The Republican Party is making every effort to meet the problem of the decrease in the food-producing class by making waste ground productive, by teaching the farmer how to get the largest results out of the earth with the least expenditure of time and labor, by dignifying the profession of the agriculturist, and demonstrating in every way its appreciation of his work. The intelligent, scientific farmer is to-day the bulwark upon which we, as a Nation, rest, and to him, more than to anyone else, must we look for relief from the condition which a decreasing food supply has created.

The gold supply can not be diminished by legislation. Party platforms can not increase the number of food producers. The increased cost of the distribution of commodities, which is another factor in the high cost of living, is beyond congressional enactment or political policy.

In so far as this important matter can be regarded as within Government control the effort of the Republican administration has been steadily exercised in the direction of securing a reduction of this cost. The Interstate Commerce Commission, after a patient, careful, and impartial inquiry, has undertaken to place freight rates upon an equitable basis, and is now endeavoring to obtain fair treatment for the public in the matter of express charges. Neither the Interstate Commerce Commission nor any other governmental agency can, however, deal with the problem which confronts the retailer who, in order to meet competition and retain trade, is compelled to distribute small packages over a large area. This necessitates the maintenance of an expensive and extended system, and the cost is naturally borne in some degree by the consumer. In some of the larger cities the cost of delivery has become enormous and is a factor in the high cost of living which can not be ignored.

The extent to which the middleman figures in the commercial transactions of the present day is another vital matter. He can not be eliminated by a change of administration. His existence is not due either to Republican legislation or Republican policies.

It is important to remember that the protest against high prices is confined almost entirely to foodstuffs. There has not been an excessive increase in the cost of manufactured articles. This demonstrates that the tariff which protects the manufacturer from foreign competition is not the cause of the increased cost of living. In fact, the workingman has benefited by an increase in wages to help him meet the higher cost of living, although this ratio has not, in all cases, been proportionate to the heavy burden laid upon him. Like an endless chain, however, the increased cost of living leads to higher wages, and these, in turn, mean higher prices for the product of the workman. Appreciating this serious phase of the problem, President Taft, with sympathetic statesmanship, has recommended the creation of an industrial commission, which will make a thorough investigation into the whole matter. If, for instance, a manufacturing corporation which raises the wages of its employees reimburses itself for this additional outlay by raising the price of its product, there should be some authority to discover whether or not it is already enjoying inordinate profits and whether its business relations are such as to insure it an illegal monopoly of that product. The Republican Party would have both employer and employee mutually and equitably share in

a common prosperity, and its broad-minded leaders are working in this direction.

Overcapitalization may have been a contributing factor to the high cost of living, inasmuch as money which has been required to pay interest and dividends upon inflated values might have been saved to the consumer by decreasing the cost of production, or might have been devoted to paying higher wages to the workmen. President Taft's wisdom in dealing with great problems is again shown in his recommendation for the creation of a Federal commission which shall bear the same relation to industrial corporations as the Interstate Commerce Commission does to the railroads. This commission would unquestionably remedy much of the evil of overcapitalization which now exists.

Every fair-minded man must thus be convinced that the high cost of living is not due to Republican legislation or Republican policies. More than this, the present situation, which the Republican Party is endeavoring to remedy, would become immeasurably worse if legislation is enacted which would disrupt the business of the country. The Democratic Party offers no solution of the problem of the high cost of living, save through a radical assault upon the protective system which has given this country its unexampled prosperity.

Everyone must recall with serious misgiving the period when the Democratic Party was last given opportunity to revise the tariff—a period accompanied by universal business depression and much individual distress. As compared with those days of commercial despair, the burden of the increased cost of living seems light, indeed. The memory of that sorrowful time has not yet been effaced. The American people will certainly not jeopardize their present prosperity by inviting a repetition of 1893. The enactment of Democratic free-trade laws, such as have originated in the House of Representatives, would destroy American industry without solving the high-cost problem. What would be thought of a physician who, instead of curing his patient's malady, put the unfortunate man to death?

The Republican Party, now in control of national affairs, has from its very inception demonstrated its interest in and sympathy for the wage earner. It came into being as the friend of oppressed humanity and it has been always foremost in all efforts to secure improved conditions for the American people. It is doing everything in its power to solve the present problem, even though it recognizes that the conditions which exist are in no sense the result of its legislative or political policies. It will continue in the future to devote its best endeavors to relieving the people of the burden of the high cost of living. These efforts will be made, however, along rational and safe lines. They will not menace the business stability of the country, as would be the case if a Democratic administration should come into power, but, on the contrary, will make more certain our splendid progress as a Nation and the prosperity and happiness of each individual citizen.

The Republican Party is not only not responsible for the high cost of living, but it is the only party which can solve the problem without inviting national disaster.

THE SPEAKER. The Clerk will report the first committee amendment.

The Clerk read as follows:

In line 4 strike out the word "empowered" and insert in lieu thereof the word "directed."

MR. O'SHAUNESSY. That amendment is withdrawn.

MR. WILLIS. The gentleman wants this amendment voted down.

MR. O'SHAUNESSY. I will withdraw it.

THE SPEAKER. The gentleman can not withdraw it. It is a committee amendment.

The question being taken, the amendment was rejected.

THE SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

In line 4 strike out the words "appoint and."

MR. MANN. Mr. Speaker, I am very glad that the gentleman has consented to the voting down of the preceding amendment, because it raised one of the most interesting questions that has come before the House. Here was a proposition in the bill originally authorizing the Commissioners to appoint and promote Spencer Roberts. Then, it was changed to a proposition to direct the Commissioners to promote Spencer Roberts.

The Constitution of the United States, fixing the powers of the President, says in connection with the appointment of various officials:

But the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

That has been construed to give Congress the authority to permit the District Commissioners or other officials to make appointments.

In this case the appointment has been made; but a proposition was made directing the commissioners to transfer the appointee from one class to another class.

We frequently pass laws dividing employees into certain classes and automatically providing for their promotion. As a legislative power, that power is not questioned; but whether we have the power under the Constitution, an employee having already been appointed to an office, to direct the Executive to change the appointment and to put the appointee into a different office or a different class of the same kind of office is a very interesting question, which I did not wish to have raised by this bill.

Mr. GARRETT. Does the gentleman think that could arise with respect to an officer of the District of Columbia.

Mr. MANN. Oh, yes. Officers of the District of Columbia are officers of the United States. We create the government of the District of Columbia. We provide its officers, and while they are officers of the District of Columbia as Territorial officers are officers of the Territory, still they are officers of the Government of the United States.

Mr. GARRETT. The question is an interesting one, as the gentleman suggests. My recollection is that the Constitution provides that the District of Columbia shall be under the absolute control of Congress. I am not quoting the exact language.

Mr. MANN. I do not remember the express provision of the Constitution.

Mr. JOHNSON of Kentucky. There is in the Constitution a provision that Congress exclusively shall legislate for the District of Columbia.

Mr. MANN. The provision of the Constitution is—

To exercise exclusive legislation in all cases whatsoever over such District.

That does not change the powers of the Executive under the Constitution. That is a mere power given to Congress to legislate concerning the District, as it would otherwise legislate concerning other places in the country. That is found on page 90 of the Manual. It is an interesting question, but it is not wise to raise it where it is not necessary.

Mr. GARRETT. My recollection of that provision of the Constitution in regard to appointment by the President is that it names specific appointments that the President shall make, and then provides that Congress may have power to provide for some other method of appointment of some other officers—"inferior officers" is the expression used.

Mr. MANN. It says:

But Congress may by law vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law, or in the heads of departments.

That is the provision following the provision that the President shall make appointments of ambassadors, ministers, consuls, judges of the Supreme Court, and all other officers of the United States whose appointments are not herein otherwise provided for, the first of the officers being appointed by advice and consent of the Senate.

Mr. GARRETT. My impression has been, so far as the District officers are concerned, that they were exclusively under control of the Congress.

Mr. JOHNSON of Kentucky. In the debates on the act of 1878, commonly known as the organic act, this question was all thrashed out, and it was practically conceded by everybody that Congress had the right to make appointments—in other words, that the power given to the President to make appointments was the general law, and this was the exception to it.

Mr. MANN. If the gentleman will pardon me—

Mr. JOHNSON of Kentucky. And in the original act, when it was first prepared and presented to Congress, provision was made for their appointment otherwise than by the President.

Mr. MANN. These appointments do not have to be made by the President; they are made by the commissioners. Please distinguish between the legislative power to create an office and to provide for filling it and the power to name the person who shall fill it. The power to create an office, the power to provide that it shall be filled, is a legislative function which we possess; but when it comes to naming the person who shall fill the office, that is an executive function which the legislative power does not possess.

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. GARRETT. I ask unanimous consent that the time of the gentleman be extended five minutes.

The SPEAKER. The gentleman from Tennessee asks that the time of the gentleman from Illinois be extended five minutes. Is there objection?

There was no objection.

Mr. GARRETT. That is due, is it not, to the legislative enactment which gives the President the power to appoint?

Mr. MANN. Without legislative enactment the President only has the power of appointment to any office under the Government of the United States.

Mr. GARRETT. Except those provided by the Constitution.

Mr. MANN. He has the power to appoint them, all executive and judicial offices. Of course, he does not have the power yet to appoint Members of Congress, although some Executives have sought to exercise it indirectly.

Mr. GARRETT. The indications are that it may be exercised in some States in a short time. I have understood that the provision of the Constitution gives power to Congress to absolutely wipe out the District government, change it entirely.

Mr. MANN. Undoubtedly.

Mr. GARRETT. And wipe out every officer in it.

Mr. MANN. Undoubtedly we have the power. We can wipe them all out.

Mr. GARRETT. If we can wipe them all out, why not wipe out one?

Mr. MANN. We can wipe out one, but we can not say that a certain person shall occupy a certain office. We can say that the President may appoint him to the office, we may create the office and we may provide that it shall be filled by the Executive, but we have not the power to appoint. The power to fill the office, the power of naming the person, is not a legislative power, as I contend, but is an Executive power; and in this day, and I suppose there always was a time, when the different branches of the Government seek to encroach upon each other, and when the Executive at times apparently seeks to encroach upon the legislative power, we ought to be careful that we do not attempt to usurp the Executive and administrative power by claiming that as a part of the legislative power.

Mr. JOHNSON of Kentucky. Mr. Speaker, if the gentleman will permit an interruption, the office was created under the territorial form of government in 1871, and it was continued by the act of June 20, 1874, and continued by the act of June 11, 1878, which is known as the organic act. The office was created way back yonder. Long before the introduction of this bill Mr. Roberts had been appointed under these acts. This is not an act to again appoint him, but it is an act to change him from one position, which the commissioners may do, and by lapse of time to another grade of the same position, which would increase his compensation.

Mr. MANN. I admit to the gentleman that the question is different from the question of original appointments. The gentleman from Kentucky [Mr. JOHNSON], who is our authority in the House upon District matters, just stated that this police force was created, I think, in 1871.

Mr. JOHNSON of Kentucky. Originally in 1861.

Mr. MANN. My recollection is not very distinct, but it is that the Metropolitan police force was originally created in 1861.

Mr. JOHNSON of Kentucky. In 1861; but that was before we had the municipal government of the District of Columbia. We had the three divisions—Georgetown, Washington, and the levy court. The mayor of Georgetown at that time had the right to appoint police; the mayor of the city of Washington had the right to appoint police; and the levy court had the right to appoint police; but not until 1871, February 21, was that authority conferred upon the governor.

Mr. MANN. My recollection is that in the act of 1861 they created a police force for the District of Columbia.

Mr. JOHNSON of Kentucky. Its functions to be exercised by the three authorities.

Mr. MANN. To be assigned in part to the city of Washington, in part to the city of Georgetown, and in part to the country districts.

Mr. JOHNSON of Kentucky. That is correct.

Mr. MANN. One-half the cost of those officers who were assigned to the different localities to be paid by taxation raised upon the different municipalities.

Mr. JOHNSON of Kentucky. That is correct; and the rest the United States Government was to pay.

Mr. MANN. I am glad that my recollection agrees with the recollection of the gentleman from Kentucky. I do not know which of us would be the older to remember personally in regard to that.

Mr. FOSTER. Neither gentleman need tell his age. [Laughter.]

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

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

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Line 6, strike out the word "any" and insert in lieu thereof the words "the first."

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

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

The SPEAKER. The Clerk will report the next amendment. The Clerk read as follows:

Line 7, strike out the word "exist" and insert in lieu thereof the word "occur."

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

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

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

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

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

Mr. JOHNSON of Kentucky. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering District of Columbia business.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of District business, with Mr. OLDFIELD in the chair.

RECLAMATION AND DEVELOPMENT OF ANACOSTIA RIVER AND FLATS.

Mr. JOHNSON of Kentucky. Mr. Chairman, I call up the bill (H. R. 22642) providing for the protection of the interests of the United States in lands and waters comprising any part of the Potomac River, the Anacostia River or Eastern Branch, and Rock Creek and lands adjacent thereto.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That for the purpose of establishing and making clear the title of the United States it shall be the duty of the Attorney General of the United States to institute as soon as may be, or whenever in his judgment it is deemed proper, a suit or suits in the Supreme Court of the District of Columbia against all persons and corporations, or others, who may have, or pretend to have, any right, title, claim, or interest adverse to the complete title of the United States in and to any part or parcel of the land or water in the District of Columbia in, under, and adjacent to the Potomac River, the Anacostia River or Eastern Branch, and Rock Creek, including the shores and submerged or partly submerged land, as well as the beds of said waterways, and also the upland immediately adjacent thereto, including made lands, flats, and marsh lands.

SEC. 2. That the suit or suits mentioned in the preceding section shall be in the nature of a bill in equity, and there shall be made parties defendant thereto all persons and corporations, or others, known to set up or assert any claim or right to or in the land or water in said preceding section mentioned, and against all other persons and corporations, or others, who may claim to have any such right, title, or interest. On the filing of said bill process shall issue and be served, according to the ordinary course of said court, upon all persons and corporations, or others, within the jurisdiction of said court; in case said land is in actual adverse possession to the United States notice shall be served on the parties in actual possession, and public notice shall be given, by advertisement in two newspapers published in the city of Washington, for three weeks successively, of the pendency of said suit, and citing all persons and corporations, or others interested in the subject matter of said suit or in the land or water in this act mentioned, to appear, at a day named in such notice, in said court to answer the said bill and set forth and maintain any right, title, interest, or claim that any person or corporation, or others, may have in the premises; and the court may order such further notice as it shall think fit to any party in interest.

SEC. 3. That the said cause shall then proceed with all practicable expedition to a final determination by said court of all rights drawn in question therein, and the said court shall have full power and jurisdiction by its decrees to determine every question of right, title, interest, or claim arising in the premises and to vacate, annul, set aside, or confirm any claim of any character arising or set forth in the premises; and its decree shall be final and conclusive upon all persons and corporations, or others, parties to the suit, or who shall fail, after public notice as hereinbefore in this act provided, to appear in said court and litigate his, her, their, or its claim, and they shall be deemed forever barred from setting up or maintaining any right, title, interest, or claim in the premises.

SEC. 4. That if on the final hearing of said cause the said Supreme Court of the District of Columbia shall be of opinion that there exists any right, title, or interest in the land or water in this act mentioned in any person, or corporation, or others, adverse to the complete and paramount right of the United States, the said court shall forthwith and in a summary way proceed to ascertain the value of any such right, title, interest, or claim, exclusive of the value of any improvement to the property covered by such right, title, or interest made by or under the authority of the United States, and report thereof shall be made to the Congress.

SEC. 5. That from the final decree of the Supreme Court of the District of Columbia, and every part thereof, in the premises, an appeal shall be allowed to the United States and to any other party in the cause complaining of such decree to the Supreme Court of the United States, which last-mentioned court shall have full power and jurisdiction to hear, try, and determine the said matter, and every part thereof, and to make final decree in the premises; and the said cause shall, on motion of the Attorney General of the United States, be advanced to the earliest practicable hearing.

SEC. 6. That for carrying out the provisions of this act there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of \$25,000, to be expended only upon the direction and approval of the Attorney General for such purposes as he may deem necessary.

Mr. MANN. Mr. Chairman, I hope somebody will give us an explanation of this bill and let us know whether it is a proposition in an indirect or direct way, whatever it may be, to acquire Rock Creek Park. I am heartily in favor of that, but I would like to know whether this is accomplishing the purpose.

Mr. JOHNSON of Kentucky. Mr. Chairman, the gentleman from Illinois is a trifle facetious in respect to acquiring Rock Creek Park, when it has already been acquired. The Attorney General drafted this bill and sent it over, and it has been approved by the Department of Justice and by the Commissioners of the District. I am not particularly wedded to it, for the reason that perhaps ultimately it does mean a park; but whether it does or does not should not be a matter of serious consideration at this time, because, as a matter of fact, the United States Government owns land in the Anacostia Flats to which adverse title is set up, and there are squatters on some of it, and clouds on the title to some of the very many lots over there. What is to become of them finally should not be a question now. If the United States Government owns them, the United States should recover them and the title should be cleared and put in the United States. After that is done, if the United States wishes this property for its own use or Congress consents that it may be given to the District of Columbia for a park system, that becomes another question.

But the first question, as I said, is if the United States Government owns valuable land, and it does, then the clouds to title should be cleared and all squatters should be removed and all disputes settled. This is the first bill, I understand, that has ever sought to do that and that alone. The various other bills which have been introduced relative to this subject have carried with them a park plan or an assessment of damages upon the property owners in that section over there. This does not deal at all with that. It deals with nothing except the question of regaining United States property which the Attorney General of the United States says belongs to the United States and removing clouds from the title of property which the Attorney General says belongs to the United States.

Mr. MANN. If I understand, if the gentleman will yield, it is proposed by this bill not to give the Attorney General authority to commence condemnation proceedings, but simply to file a bill to quiet the title of the United States.

Mr. JOHNSON of Kentucky. To file a bill in equity, the bill says.

Mr. MANN. Just where is this property? Will the gentleman tell us?

Mr. JOHNSON of Kentucky. It is along the Eastern Branch of the river above and below the navy yard and on both sides of the river, extending to the Maryland line of the District of Columbia.

Mr. MANN. Will the gentleman tell us whether there is involved in any way, directly or indirectly, in this bill or the proceedings which this bill is a part of, a proposition to condemn a portion of that property and pay for it by special assessment?

Mr. JOHNSON of Kentucky. I understand not.

Mr. MANN. The gentleman knows there has been a good deal in the newspapers on that subject.

Mr. JOHNSON of Kentucky. There has; but this does not pertain to this bill.

Mr. MANN. I understand it does not pertain to this bill, but does it not pertain to purpose for which this bill is directed; that is, that the Government shall assert its title to certain property over there with the expectation of then condemning property to which it does not have title as the court shall ascertain and raise the money by assessment?

Mr. JOHNSON of Kentucky. No; that is not the object of this bill. The object of this bill is to take away from the use of other people this property when it belongs to the United States Government.

Mr. MANN. Can the gentleman estimate at all the area that would be involved here?

Mr. JOHNSON of Kentucky. I asked the Department of Justice for that information, and they have not given me the accurate figures. They say it requires some measurements that have not been made, but there are a good many hundred acres that the United States Government is entitled to in that section. They also desire the passage of this bill that some needed land which is in question just beyond the navy yard may be acquired for the purpose of extending the navy yard.

Mr. MANN. Of course this really appropriates quite a considerable sum of money to quiet the title to not a very large

area of land. It is safe to say that if there are people living upon this land claiming title to it that not many of them will have as much money proportionately to spend in defending their title as the Government will have in prosecuting its title.

Mr. JOHNSON of Kentucky. Well, the committee left that matter—the bill appropriates \$25,000, and as to whether that is too large or not the committee left it to the discretion of the Attorney General.

Mr. MANN. I understand. I do not think the committee is subject to any criticism for that. That, however, indicates the size of the undertaking and the value of the land in a way, and the quantity of land which may be concerned. Is it possible that the Government owns several hundred acres of land down here on these creeks or branches which other people are in possession of?

Mr. JOHNSON of Kentucky. No; but the question arises on a change of the river in one respect, as to what point the Government does go, and the whole matter in some sections is in dispute and there is but one way of arriving at the correct ownership of it, and the Attorney General had the committee to understand this was the only way he could see by which it could be arrived at.

Mr. MANN. We made an appropriation a few years ago, I think, of \$10,000 to be expended by the Attorney General in investigating the title of the Government to certain river front lands down here. I do not know whether they were these lands or not. Does the gentleman know whether this is the result of that investigation in part?

Mr. JOHNSON of Kentucky. This goes further than the Anacostia Flats, if the gentleman will notice. It goes to the Anacostia River, the Eastern Branch, and also on the Rock Creek land. The Department of Justice contends that there are some pieces of property in the Rock Creek section that belong to the United States Government and they want to get into that.

Mr. MANN. Well, I may say, personally, I hope the Government will obtain title to this property, and having obtained it will keep the property as a public park or part of a park system and not sell it or otherwise dispose of it. I think that we can not have enough parks in a growing city like Washington.

Mr. JOHNSON of Kentucky. I differ with the gentleman in that I would not convert the entire District of Columbia into parks.

Mr. MANN. Well, the gentleman does not differ with me about that, because I would not do that.

Mr. JOHNSON of Kentucky. But the gentleman's remarks were pretty nearly that broad.

Mr. MANN. Well, I meant we can not have enough, because Congress will never be willing to have enough.

The CHAIRMAN. The Clerk will report the bill under the five-minute rule.

The Clerk proceeded with and concluded the reading of the bill.

Mr. JOHNSON of Kentucky. Mr. Chairman, I move to lay the bill aside with a favorable recommendation.

The motion was agreed to.

POLICE AND FIREMEN'S PENSIONS.

Mr. JOHNSON of Kentucky. Mr. Chairman, I move now to call up the bill (H. R. 20840) to provide for deficiencies in the fund for police and firemen's pensions and relief in the District of Columbia.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 20840) to provide for deficiencies in the fund for police and firemen's pensions and relief in the District of Columbia.

Be it enacted, etc., That the Commissioners of the District of Columbia are hereby authorized and directed hereafter to cause to be annually levied upon all property in the District of Columbia which is now or which may hereafter become subject to general taxation, such a rate of taxation as will provide such sum or sums as will be sufficient to meet any present or future deficiency in the fund now set aside by law for the payment of police and firemen's pensions and relief in the District of Columbia: *Provided*, That the tax so levied shall be collected by the collector of taxes in and for the said District of Columbia, and the proceeds thereof shall by him be deposited in the Treasury of the United States to the credit of the said fund or funds for the payment of the police and firemen's pensions and relief provided by law. The Treasurer of the United States shall from time to time, when the existence of any deficiency in the fund for payment of police and firemen's pensions and relief shall be certified to him in writing by the Commissioners of the District of Columbia, pay from the Treasury of the United States the sum or sums necessary to meet said deficiency under the written direction of the said commissioners in order that each person lawfully entitled to any part of said police and firemen's pensions and relief fund may receive the same in full.

SEC. 2. That this act shall take effect upon its passage.

Mr. LOBECK. Mr. Chairman, I move that the Clerk dispense with the further reading of the bill and that the gentleman in charge make a statement of it.

The CHAIRMAN. The gentleman from Nebraska moves that the first reading of the bill be dispensed with. Is there objection?

Mr. MANN. It is a very short bill, and I think it ought to be read.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] objects, and the Clerk will read.

The Clerk concluded the reading of the bill, as follows:

SEC. 2. That the tax, the levy and collection of which is herein provided for, shall be an additional one, over and above the tax rate now provided for by general law, and the proceeds thereof shall not be used for any purpose other than that hereinbefore authorized. Said tax shall be levied and collected, as above provided, by the Commissioners of the District of Columbia at the same time as the tax on all property now subject to general taxation in the said District. There shall be no contribution to either of the aforesaid funds, either directly or indirectly, from the United States. The Commissioners of the District of Columbia are hereby directed, on the first day of each and every month until the first collection of taxes under this act shall have become available, to draw a requisition upon the Secretary of the Treasury of the United States for such sum or sums as will, when added to the amount already to the credit of each of the hereinbefore-named funds, be sufficient to pay in full the amount lawfully due each and every person upon the roll of the police relief fund, District of Columbia, as well as those upon the roll of the firemen's relief fund, District of Columbia; and the said Secretary of the Treasury shall cause to be paid the amount of said requisition for the said purposes out of any moneys in the Treasury to the credit of the District of Columbia which can, in the opinion of the said commissioners, be spared for the time being from any fund held by the said Treasury for the District of Columbia: *Provided, however*, That any money so used shall be repaid to the fund from which it was taken out of the first money collected under the tax herein provided for: *And provided further*, That no part of the money gathered under said levy shall be paid to those upon the rolls of either of the said two relief funds until all of the money taken out of the Treasury as aforesaid shall have been refunded thereto.

SEC. 3. That all acts or parts of acts which are in conflict herewith are hereby repealed. This act shall take effect upon its passage.

Also the following committee amendments were read:

Page 1, lines 10 and 11, strike out the words "payment of police and firemen's pensions and relief in the District of Columbia: *Provided*, That," and insert in lieu thereof the words "benefit of the police relief fund, District of Columbia, and of the firemen's relief fund, District of Columbia."

Page 2, line 6, strike out the words "fund or funds for the payment of the police and firemen's pensions and relief" and insert in lieu thereof "police relief fund, District of Columbia, and firemen's relief fund, District of Columbia."

Page 2, line 9, strike out the word "Treasurer" and insert in lieu thereof the words "Secretary of the Treasury."

Page 2, line 11, strike out the words "fund for payment of police and firemen's pensions and relief" and insert in lieu thereof "police relief fund, District of Columbia, or firemen's relief fund, District of Columbia."

Page 2, line 15, strike out the word "pay" and insert in lieu thereof "cause to be paid."

Page 2, line 19, strike out the words "Police and firemen's pension and relief fund" and insert in lieu thereof "police relief fund, District of Columbia, or firemen's relief fund, District of Columbia."

Page 2, line 22, strike out "SEC. 2. That this act shall take effect upon its passage" and insert the following:

"SEC. 2. That the tax, the levy and collection of which is herein provided for, shall be an additional one, over and above the tax rate now provided for by general law, and the proceeds thereof shall not be used for any purpose other than that hereinbefore authorized. Said tax shall be levied and collected as above provided by the Commissioners of the District of Columbia at the same time as the tax on all property now subject to general taxation in the said District. There shall be no contribution to either of the aforesaid funds, either directly or indirectly, from the United States. The Commissioners of the District of Columbia are hereby directed on the first day of each and every month until the first collection of taxes under this act shall have become available, to draw a requisition upon the Secretary of the Treasury of the United States for such sum or sums as will, when added to the amount already to the credit of each of the hereinbefore named funds, be sufficient to pay in full the amount lawfully due each and every person upon the roll of the police relief fund, District of Columbia, as well as those upon the roll of the firemen's relief fund, District of Columbia; and the said Secretary of the Treasury shall cause to be paid the amount of said requisition for the said purposes out of any moneys in the Treasury to the credit of the District of Columbia, which can, in the opinion of the said commissioners, be spared for the time being from any fund held by the said Treasury for the District of Columbia: *Provided, however*, That any money so used shall be repaid to the fund from which it was taken, out of the first money collected under the tax herein provided for: *And provided further*, That no part of the money gathered under said levy shall be paid to those upon the rolls of either of the said two relief funds until all of the money taken out of the Treasury as aforesaid shall have been refunded thereto."

"SEC. 3. That all acts or parts of acts which are in conflict herewith are hereby repealed. This act shall take effect upon its passage."

Mr. JOHNSON of Kentucky. Mr. Chairman, I yield the remainder of my time to the gentleman from New York [Mr. REDFIELD].

Mr. REDFIELD. Mr. Chairman, this bill is intended to provide a permanent means for obtaining funds, now lacking, to pay the pensions provided by law to policemen and firemen of the District of Columbia. It does not in any way alter or affect the District pension law or the basis on which those pensions are paid or in any form whatever affect the pensions themselves. It simply aims to provide for the payment regularly of the shortage now unpaid—the pensions which are legally due to the firemen and policemen of the District and which are specified

in full in the report accompanying the bill, each pensioner being given by name and address, the cause of the pension, the date, and the amount being fully stated in the report.

The money from the present sources permitted by law is not sufficient with which to pay these men that which belongs to them. There was a shortage during the fiscal year just closed of about \$15,000, and the pensioners failed to receive the money due them by that amount. There is an estimated shortage in the fiscal year ending June 30, 1912, of about \$25,000, and by so much the pensioners will fail to get the money which has been lawfully set aside for them. This condition of a decreasing supply for an increasing fund has been going on for a number of years. It was foreshadowed in Report No. 429 of the Senate, of the Sixtieth Congress, first session. At that time that report, to which reference is made in the report of your committee, pointed out the condition which now exists.

This fund is one that has always been wholly paid by the District of Columbia. Into it not a dollar of United States money has ever gone. It is supplied by a dollar per month retained from the officers' pay, by certain fines, which are deposited to the credit of the firemen's relief fund, and from certain other resources, like the dog tax and others.

There has been a continuous history here of temporizing with this fund. As it ran short from one source or another there would be added a certain amount to it. That method of dealing with it has proved increasingly unsatisfactory, and now your committee thought it—

Mr. MADDEN. Would it interrupt the gentleman if he were to allow me to ask him a question?

Mr. REDFIELD. No.

Mr. MADDEN. I notice the amount of the pension varies greatly. I was wondering whether there was any fixed amount granted as pensions, and why, and how?

Mr. REDFIELD. That is by law, I believe, charged upon the Commissioners of the District.

Mr. MADDEN. And it is optional with them as to what they shall allow?

Mr. REDFIELD. Yes; save that there is a maximum fixed.

Mr. MADDEN. I was wondering if it would not be very much better if there were some special amount fixed by law, instead of leaving it optional with the commissioners.

Mr. REDFIELD. Your committee did not attempt, I will say to the gentleman from Illinois [Mr. MADDEN], in the faintest way here to alter or change the existing pension law, or to deal with it at all; but, accepting the law as it stood, your committee attempted to provide means of payment of that now lawfully to be paid, but, as a matter of fact, largely unpaid.

Mr. MADDEN. Will the gentleman state what the maximum pension is per month?

Mr. REDFIELD. Fifty dollars per month.

Mr. MADDEN. Does that include commanding officers as well as patrolmen?

Mr. REDFIELD. I think the commanding officers receive a larger sum, fixed by statute. That is all reviewed in Senate Report No. 429, to which reference is made.

Mr. MADDEN. I notice that some of these pensions are higher than \$50 a month.

Mr. REDFIELD. I think the officers' pensions are higher, being fixed by statute. But I repeat that the committee did not attempt to alter the law fixing the pensions, but, assuming that to be lawfully fixed, to provide for the shortage of the fund, and only that.

Mr. MADDEN. How much is that shortage now?

Mr. REDFIELD. The shortage for the year ended June 30, 1911, was about \$15,000. The figures here, which were obtained from the auditor of the District, stated that in the police fund the shortage was \$10,304.30.

Mr. MADDEN. Covering how long a period?

Mr. REDFIELD. For that year. And the shortage in the firemen's fund for that year was \$5,262, and for the present year ending June 30, 1912, there is an estimated shortage of approximately \$25,000.

Mr. MADDEN. When the pension is once fixed, is it within the power of the commissioners to increase that pension or reduce it?

Mr. REDFIELD. I am not prepared to say what the law is on that subject, for the reason that—

Mr. JOHNSON of Kentucky. This does not affect it.

Mr. REDFIELD. This bill does not deal with that at all.

Mr. MADDEN. The reason why I asked the question is that I was wondering whether some law could not be enacted fixing at a specific amount the pension to be paid, and whether if that were done it would not meet the case; whether we would not have revenue coming in from the present sources to meet all

future needs if we figured out exactly what pensions we could pay.

Mr. REDFIELD. I will say to the gentleman that that could only be done by scaling down very materially the pensions already allotted.

Mr. MADDEN. I would be in favor of paying all deficiencies if we adopted the policy which I have suggested.

Mr. REDFIELD. The committee would like to have it placed clearly before the House that they are not presenting a pension bill. No pension bill has been suggested by the committee or contemplated by them in this connection. But accepting the law now existing, and taking it as it stands, the committee have endeavored by this bill to provide the funds for making the necessary payments under it.

Mr. MADDEN. I hope the gentleman will excuse me for interrupting him, but I am only asking for information. I do not want to embarrass the situation at all.

Mr. REDFIELD. I am very glad to have the gentleman ask all the questions he desires.

Mr. MADDEN. I was wondering whether the gentleman from New York could tell us what is the aggregate amount of pensions paid to the firemen and policemen annually?

Mr. REDFIELD. That appears in detail in the report, on pages 2 and 3, for the years 1898 to 1911, inclusive.

Mr. MADDEN. What is the aggregate?

Mr. REDFIELD. I can tell the gentleman the aggregate of the two funds by adding together the figures which appear in the report.

Mr. JOHNSON of Kentucky. It is \$125,000 in round numbers.

Mr. REDFIELD. It is \$120,000 to \$125,000 a year for the two funds.

Mr. JOHNSON of Kentucky. To which fund is added the \$700 or \$800 monthly which they themselves pay by taking a dollar a month from their respective salaries.

Mr. MADDEN. What is the average annual income from the present sources to be applied for pensions of these two classes?

Mr. REDFIELD. The total receipts from all sources for the year 1911 for the police fund were \$81,500 and for the firemen's fund, \$40,200.

Mr. MADDEN. What are those sources?

Mr. REDFIELD. From the dog taxes—

Mr. MADDEN. What do those taxes amount to?

Mr. REDFIELD. The dog tax for the year 1911, which went to the police fund, was \$22,115.14. None of that was applicable to the firemen's fund.

I will say to the gentleman from Illinois that this is all shown in detail in the very full information furnished by the auditor of the District, to be found on pages 2 and 3 of the report.

Furthermore, in order that this whole matter might be ventilated as fully as possible, you will find on page 4 of the report not only a statement of the pensions that are now paid, but a comparative statement, showing what they are now as compared with what they were at the time of the last legislation upon the subject.

On the final pages of the report will be found the name, address, and length of service of each pensioner, and the amount and cause of each pension now paid.

Mr. MADDEN. Are the widows and orphans of firemen and policemen pensioned?

Mr. REDFIELD. They appear upon this list and are stated to be widows and children, in each case where such is the fact.

I am very glad to have these detailed questions asked, because the committee have tried in this report to cover these details so fully that they can easily be studied.

There appears, also, on page 5 of the report, the results that will be carried by this bill in the shape of increased taxation, from which it would appear that, reckoning this deficiency as \$5,000 per annum more than it now is, assuming it to be \$30,000 instead of approximately \$25,000, the auditor of the District states, and it is shown in this report, that the net results will be that a man paying taxes on property valued at \$10,000 will be called upon to pay 85 cents a year because of this measure.

Mr. MANN. In that connection will the gentleman yield?

Mr. REDFIELD. With pleasure.

Mr. MANN. Is not very much of the property in the District unimproved, and is not the valuation of such unimproved lots so low that the tax under the gentleman's proposition would not amount to so much as one cent per lot? And is it not a rather expensive proposition to apportion a tax of 1 or 2 cents against each lot?

Mr. REDFIELD. I am not sufficiently informed as to the details of property in the District to say to what extent the condition mentioned by him prevails, but I have taken this up

with the auditor of the District and have gone over it with him very carefully, and he assures me that there will be no material, practical difficulty as to expense in assessing and allotting this tax.

Mr. MANN. Does not this bill require that this tax shall be separately extended on the tax rolls?

Mr. REDFIELD. Not at all. This bill expressly requires the opposite of that. A misunderstanding to that effect arose as to this bill in its original form, but when it was amended and a section was added by the committee, it was then expressly stated, and it is understood by the auditor of the District, that this is not a separate tax, but is to be a portion of the tax now authorized by law.

Mr. MANN. I have no doubt but that the gentleman is correct. When I read this bill I had the impression, and I have the impression now, that it requires a separate tax.

Mr. REDFIELD. I call the attention of the gentleman to lines 2 and 5, inclusive, on page 3:

Said tax shall be levied and collected, as above provided, by the Commissioners of the District of Columbia at the same time as the tax on all property now subject to general taxation in the said District.

In bringing that matter to the attention of the auditor for the District, he approved verbally and, in fact, revised completely the whole form not only of that paragraph, but of all the bill, in order that it might conform to the existing practice.

Mr. MANN. I suppose the auditor speaks with some degree of authority.

Mr. REDFIELD. I thought he did.

Mr. MANN. But the provision in the bill that the tax shall be an additional one, over and above the tax rate now provided by general law, would seem to me to indicate that this was to be extended separately and not added to the tax rate.

Mr. REDFIELD. I would say to the gentleman that I have never known any construction of the word "additional" to mean separate, and upon bringing that to the notice of the auditor of the District he did not see that distinction. Speaking for myself, as the author of the bill, I will be glad to accept any phraseology to make it more explicit.

Mr. MANN. When you say that a certain thing shall be additional to something else, it means separate; it does not mean a part of. When you say that a tax shall be an additional tax, it seems to me that it means a separate tax. Certainly that matter ought to be arranged so that there will be no difficulty in reference to the collection of taxes and tax sales.

Now, I would like to ask the gentleman one other question, assuming that this bill will not be disposed of to-night, so that the gentleman may be prepared to give the information on the subject when the bill comes up again. The gentleman has referred to the committee having made no change in reference to the pension laws, but only endeavored to provide money to pay the pensions now allowed by law. So that the gentleman will be prepared, I wish to call his attention, in a way, to what seems to me to be the fact that pensions now allowed by law are not fixed pensions at all, but a provision that so much money shall be in the policemen and firemen's pension fund to be distributed by the allowance of the commissioners. The law does not provide the amount to be allowed for pensions at all, although it has a limitation, but provides a fund out of which pensions shall be paid. I do not understand how it can be said that when you increase the fund you are simply providing money for the payment of pensions now allowed by law, when the only allowance is a fund now provided out of which the commissioners may pay pensions.

I suggest to the gentleman now that there are other matters to be brought before the House. I desire to be heard at some length on the bill myself in reference to civil pensions. It is now 5 o'clock.

Mr. JOHNSON of Kentucky. Mr. Chairman, I move that the committee rise and report the bill H. R. 22642 to the House with a favorable recommendation.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. ODFIELD, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 22642) for the protection of the interests of the United States in lands and waters comprised in part of the Potomac River, Anacostia River or Eastern Branch, and Rock Creek, and lands adjacent thereto, and had directed him to report the same back without amendment, with the recommendation that the bill do pass; that the committee had also had under consideration the bill (H. R. 20840) to provide for deficiencies in the fund for police and firemen's pensions and relief in the District of Columbia, and had come to no resolution thereon.

The SPEAKER. The question is on the engrossment and third reading of the bill, of which the Clerk will report the title.

The Clerk read as follows:

A bill providing for the protection of the interests of the United States in lands and waters comprising any part of the Potomac River, the Anacostia River or Eastern Branch, and Rock Creek, and lands adjacent thereto.

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

MARY DANAHER AND JULIA FERN DANAHER.

Mr. LLOYD. Mr. Speaker, I present a privileged report on House resolution 472.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 472 (H. Rept. 535).

Resolved, That there shall be paid out of the contingent fund of the House to Rose McCall, guardian of Rose Mary Danaher and Julia Fern Danaher, minor daughters of Thomas J. Danaher, late Capitol policeman, an amount equal to six months of his regular pay as such policeman, and an additional amount, not to exceed \$150, to pay the funeral expenses of said Danaher.

Mr. LLOYD. Mr. Speaker, Thomas J. Danaher was a Capitol policeman who died a short time since. This is the usual resolution providing for the payment of an amount equal to six months of his regular pay to his family.

The resolution was agreed to.

DANIEL B. WEBSTER.

Mr. LLOYD. Mr. Speaker, I also present the following privileged report from the Committee on Accounts, which I send to the desk and ask to have read.

The Clerk read as follows:

House resolution 292 (H. Rept. 533).

Resolved, That the Clerk of the House be, and he is hereby, authorized and directed to pay, out of the contingent fund of the House, to the executors of the estate of Daniel B. Webster, late a laborer in the House of Representatives, an amount equal to six months of his salary and an additional amount not exceeding \$250 to pay the funeral expenses of the said Daniel B. Webster.

With the following amendment:

Line 3, after the word "House," strike out the words "to the executors of the estate" and insert in lieu thereof the words "to Della Webster Simms, Martilla Webster Jones, Francis Webster Honesty, Nettie Webster Brogsdale, and Sylvia Webster Barnes, daughters and sole heirs."

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

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

The SPEAKER. The question now is on agreeing to the resolution.

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

ADDITIONAL CLERK, COMMITTEE ON ENROLLED BILLS.

Mr. LLOYD. Mr. Speaker, I also present the following privileged report from the Committee on Accounts, which I send to the desk and ask to have read.

The Clerk read as follows:

House resolution 463 (H. Rept. 532).

Resolved, That the chairman of the Committee on Enrolled Bills be, and he is hereby, authorized to appoint an additional clerk of said committee, who shall be paid out of the contingent fund of the House at the rate of \$6 per day from and after the time he entered upon his duties, which shall be evidenced by the certification of said chairman.

With the following amendment:

Lines 5 and 6, strike out the words "from and after the time he entered upon his duties, which shall be evidenced by the certification of said chairman" and insert in lieu thereof the words "during the remainder of the present session of the Sixty-second Congress."

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

Mr. MANN. Mr. Speaker, will the gentleman yield?

Mr. LLOYD. Certainly.

Mr. MANN. Is the work in the enrolling and engrossing rooms now so great that they have to have this additional clerk?

Mr. LLOYD. Yes. This clerk is usually provided about a month earlier.

Mr. MANN. Does this clerk go in the enrolling or in the engrossing room?

Mr. LLOYD. In the enrolling room.

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

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

The SPEAKER. The question now is on agreeing to the resolution as amended.

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

ASSISTANT CLERK, COMMITTEE ON THE JUDICIARY.

Mr. LLOYD. Mr. Speaker, I also present the following privileged report from the Committee on Accounts, which I send to the desk and ask to have read.

The Clerk read as follows:

House resolution 354 (H. Rept. 534).

Resolved, That the Committee on the Judiciary is hereby authorized to employ an assistant clerk at a salary of \$1,600 per annum, to be paid from the contingent fund of the House.

With the following amendment:

Line 3, strike out the words "\$1,600 per annum" and insert in lieu thereof the words "\$6 per day during the remainder of the present session."

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

Mr. MANN. Mr. Speaker, is this a resolution for the Committee on the Judiciary?

Mr. LLOYD. Yes.

Mr. MANN. I hope that it will pass.

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

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

The SPEAKER. The question now is on agreeing to the resolution as amended.

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

INVESTIGATION OF SHIP LINES.

Mr. LLOYD. Mr. Speaker, I also present the following privileged report from the Committee on Accounts, which I send to the desk and ask to have read.

The Clerk read as follows:

House resolution 470 (H. Rept. 530).

Resolved, That all expenses that may be incurred by the Committee on the Merchant Marine and Fisheries under resolution (H. Res. 425) adopted February 24, 1912, authorizing said committee to investigate the methods and practices of various lines of ships, etc., to an amount not exceeding \$25,000, shall be paid out of the contingent fund of the House of Representatives on vouchers ordered by said committee, signed by the chairman thereof, and approved by the Committee on Accounts, evidenced by the signature of the chairman thereof.

Mr. MANN. Mr. Speaker, as I understand it, this resolution carries \$25,000.

Mr. LLOYD. Yes. This carries the same amount as was provided in the matter of the investigation of the Steel Corporation and in the matter of the investigation of the Sugar Trust.

Mr. MANN. I think the sugar investigation did not carry \$25,000.

Mr. LLOYD. The gentleman is right. That was \$10,000.

Mr. MANN. The other carried \$25,000. It seems to me that the gentleman from Missouri ought to be willing to start with less than \$25,000. He will find it embarrasses him more than anybody else to have \$25,000 at his command, with the hungry horde that will be pressing on him on every side in a campaign.

Mr. LLOYD. Mr. Speaker, I yield to the gentleman from Missouri [Mr. ALEXANDER].

Mr. ALEXANDER. Mr. Speaker, I will say to the gentleman from Illinois that so far there has been no hungry horde after the gentleman from Missouri.

Mr. MANN. The gentleman has not had any money yet.

Mr. ALEXANDER. We had prospects, and ordinarily that is enough.

Mr. MANN. Why, here you are going into a political campaign. I do not think the gentleman will use the money for a political campaign, but a thousand people will want him to do so and suggest persons to whom that money should be distributed. I have no objection, if he insists upon the \$25,000, although if I were in his place I would want to start in with a smaller sum, feeling that if I needed more money the House would be willing to grant it. We spent \$25,000 on the steel investigation. I do not think the gentleman will have time during the rest of this Congress to spend \$25,000 in the same way that it was spent in the steel investigation.

Mr. ALEXANDER. I wish to say to the gentleman from Illinois that the committee will not spend a dollar that is not necessary to be expended, and so far we have incurred no expenses except in the employment of one expert, who entered upon the discharge of his duties on Monday, but this investigation necessarily will extend beyond the present session of Congress into the summer months, and it is necessary that provision be made for the expenses that may be incurred. I hardly think it is necessary to assure the House that not one dollar will be expended unnecessarily.

Mr. MANN. Oh, nobody supposes the gentleman will voluntarily spend money unnecessarily, and yet every Member in this House knows perfectly well that where you put into the hands

of some person or under his control a large sum of money it inevitably means the employment of more people at higher salaries than would be provided with a smaller sum. The gentleman, instead of paying two or three hundred dollars a month for expert accountants, will find he will be called upon to pay \$500 to \$1,000 a month, because he has the money and they will tell him they will not work for less.

Mr. MURDOCK. Will the gentleman yield?

Mr. ALEXANDER. Yes.

Mr. MURDOCK. Will the gentleman explain what is proposed to be investigated under this resolution?

Mr. MANN. The Shipping Trust.

Mr. MURDOCK. It says, "Investigate the methods and practices of various lines of ships." What is the purpose?

Mr. ALEXANDER. Is the gentleman familiar with House resolution 425?

Mr. MURDOCK. I am not, and that is why I asked the question.

Mr. ALEXANDER. Well, in brief, it provides for an investigation of alleged foreign shipping combines, domestic shipping combines, and combines between domestic and foreign shipping, and the relations between them and the railroads and all related subjects. It is a very comprehensive resolution.

Mr. MURDOCK. Will it be comprehensive enough to take in the foreign subsidies?

Mr. ALEXANDER. Yes; and I will say to the gentleman that I have already taken up this and other subjects with the departments and am endeavoring to get all the information I can that is called for in the resolution through the departments of the Government. The information called for that will require investigations abroad I am undertaking to get through the State Department and the Bureau of Trade Relations.

In connection with the chief of that bureau, I have formulated inquiries, which have gone forward to the diplomatic and consular representatives of our Government, to investigate the question of subsidies, subventions, bounties, and so forth, and to what extent they are paid by foreign governments, and the laws relating thereto, and whether or not rings and pools exist, and to what extent, if at all, they are legalized under the laws of other countries. We are seeking to get all that information called for abroad through these means. The War and State Departments and the Departments of Justice and Commerce and Labor are cooperating with the committee in every possible way.

Mr. MURDOCK. Now, would the resolution be comprehensive enough to take in the making of a contract between foreign ship companies and railroads in the matter of transporting immigrants to this country and after their arrival in New York locating them in the West?

Mr. ALEXANDER. Yes; it is broad enough for that.

Mr. MURDOCK. Does the gentleman contemplate doing that thing?

Mr. ALEXANDER. No; we have not that matter directly in mind.

Mr. MANN. Is it not a fact that this resolution is broad enough to authorize an investigation of everything connected with the merchant marine since the memorable trip of Noah's Ark?

Mr. ALEXANDER. No; I think that we would be barred by the statute of limitations; at least I hope so. I am very sure I have no disposition to go that far back. In fact, in view of the campaign pending, I enter upon the labor involved with very great reluctance anyhow.

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

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bill:

H. R. 18661. An act to provide for an extension of time of payment of all unpaid payments due from homesteaders on the Coeur d'Alene Indian Reservation, as provided for under an act of Congress approved June 21, 1906.

ENROLLED BILL SIGNED.

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

S. 2. An act supplementary to and amendatory of the act entitled "An act for the division of the lands and funds of the Osage Nation of Indians in Oklahoma," approved June 28, 1906, and for other purposes.

CONTINGENT FUND DISBURSEMENT.

Mr. LLOYD. Mr. Speaker, I offer the following resolution.

The SPEAKER. The gentleman from Missouri [Mr. LLOYD] offers a resolution, which the Clerk will report.

The Clerk read as follows:

House resolution 469 (H. Rept. 531).

Resolved, That the sum of \$4,000 shall be paid out of the contingent fund of the House of Representatives on vouchers ordered by the committee appointed under the resolution of the House of Representatives adopted May 10, 1911, to make an investigation for the purpose of ascertaining whether there have occurred violations by the United States Steel Corporation, or other corporations or persons, of the antitrust act of July 2, 1890, and the acts supplementary thereto, the various interstate-commerce acts, and the acts relative to the national banking associations, etc.; and that all vouchers ordered by said committee shall be signed by the chairman thereof and approved by the Committee on Accounts, evidenced by the signature of the chairman thereof.

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

Mr. MANN. Mr. Speaker, can the gentleman tell us whether this will be the last installment of this continued story?

Mr. LLOYD. Mr. Speaker, I can not answer except to say this, that unless it is necessary to ask for an additional appropriation or allowance it will be sufficient.

Mr. MANN. That is certainly a clear and frank statement. [Laughter.]

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

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

Mr. MANN. Mr. Speaker, I suggest to the gentleman that it is getting pretty late.

Mr. LLOYD. Mr. Speaker, there are two other resolutions that I hoped to bring up, but the gentleman from Illinois is anxious that we conclude at the present time, and he has notified me of the fact that there is not a quorum present and that the question would be raised. I therefore move that we do now adjourn.

ADJOURNMENT.

The motion was agreed to; accordingly (at 5 o'clock and 18 minutes p. m.) the House adjourned until to-morrow, Friday, April 12, 1912, at 12 o'clock noon.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, a letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Columbia River, Wash. (H. Doc. No. 693), was taken from the Speaker's table, referred to the Committee on Rivers and Harbors, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. DENT, from the Committee on the Public Lands, to which was referred the bill (S. 244) extending the operation of the act of June 10, 1910, to coal lands in Alabama, reported the same with amendment, accompanied by a report (No. 522), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HARDY, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill (H. R. 17235) to grant American registry to the Norwegian ice breaker *Kit*, reported the same with amendment, accompanied by a report (No. 523), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HENRY of Texas, from the Committee on Rules, to which was referred the joint resolution (H. J. Res. 262) creating a committee of Congress to investigate the building of post roads in the United States, reported the same without amendment, accompanied by a report (No. 524), which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MCCOY, from the Committee on the Judiciary, to which was referred the bill (H. R. 21532) to incorporate the Rockefeller Foundation, reported the same without amendment, accompanied by a report (No. 525), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. PEPPER, from the Committee on Military Affairs, to which was referred the joint resolution (S. J. Res. 90) to authorize Capt. John W. Gulick, United States Army, to accept a position under the Government of the Republic of Chile, reported the same without amendment, accompanied by a report (No. 526), which said joint resolution and report were referred to the House Calendar.

Mr. DOREMUS, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 20593) to authorize the Norfolk & Western Railway Co. to construct

sundry bridges across the Tug Fork of the Big Sandy River, reported the same with amendment, accompanied by a report (No. 527), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. SHERWOOD, from the Committee on Invalid Pensions, to which was referred the bill (S. 5493) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, reported the same without amendment, accompanied by a report (No. 518), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (S. 5624) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, reported the same without amendment, accompanied by a report (No. 519), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (S. 5415) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, reported the same without amendment, accompanied by a report (No. 520), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (S. 5670) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, reported the same without amendment, accompanied by a report (No. 521), which said bill and report were referred to the Private Calendar.

Mr. DIFENDERFER, from the Committee on Pensions, to which was referred the bill (H. R. 23190) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors, reported the same without amendment, accompanied by a report (No. 525), which said bill and report were referred to the Private Calendar.

Mr. HUGHES of Georgia, from the Committee on Military Affairs, to which was referred the bill (H. R. 606) for the relief of John Treffeisen, reported the same with amendment, accompanied by a report (No. 528), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 13632) granting an increase of pension to William Denham, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. DAVENPORT: A bill (H. R. 23183) providing for the removal of restrictions from certain lands in the Cherokee Nation, Okla., and for other purposes; to the Committee on Indian Affairs.

Also, a bill (H. R. 23184) directing the Secretary of the Interior to deliver patents to Seminole allottees, and for other purposes; to the Committee on Indian Affairs.

By Mr. BYRNS of Tennessee: A bill (H. R. 23185) to prevent and punish the desecration of the flag of the United States; to the Committee on the Judiciary.

By Mr. GARRETT: A bill (H. R. 23186) to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; to the Committee on the Judiciary.

By Mr. LAFFERTY: A bill (H. R. 23187) creating a general parcel post; to the Committee on the Post Office and Post Roads.

Also, a bill (H. R. 23188) providing for an experimental parcel post, to continue until June 30, 1914, and restricted to a haul of not to exceed 150 miles; to the Committee on the Post Office and Post Roads.

By Mr. BARTLETT: A bill (H. R. 23189) to make lawful certain agreements between employees and laborers and persons

engaged in agriculture or horticulture and to limit the issuing of injunctions in certain cases, and for other purposes; to the Committee on Labor.

By Mr. BOOHER: A bill (H. R. 23191) authorizing the Secretary of War to donate to Forest City, Mo., one small bronze cannon, with its carriage, and six cannon balls; to the Committee on Military Affairs.

By Mr. OLDFIELD: A bill (H. R. 23192) amending the statutes relating to patents; to the Committee on Patents.

Also, a bill (H. R. 23193) to codify, revise, and amend the laws relating to patents; to the Committee on Patents.

By Mr. PETERS: Memorial of the Legislature of the Commonwealth of Massachusetts relative to the improvement of the Merrimac River; to the Committee on Rivers and Harbors.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DEFENDERFER: A bill (H. R. 23190) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors; to the Committee of the Whole House.

By Mr. AKIN of New York: A bill (H. R. 23194) granting a pension to Curtis D. Rowe; to the Committee on Invalid Pensions.

By Mr. ALLEN: A bill (H. R. 23195) granting a pension to Charlotte Roller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23196) granting an increase of pension to Michael Rudisell; to the Committee on Invalid Pensions.

By Mr. ANDERSON of Ohio: A bill (H. R. 23197) granting an increase of pension to John McCormick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23198) granting an increase of pension to Joseph H. Blaney; to the Committee on Pensions.

Also, a bill (H. R. 23199) granting an increase of pension to James D. Knights; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23200) granting an increase of pension to William Eversole; to the Committee on Invalid Pensions.

By Mr. CANTRILL: A bill (H. R. 23201) for the relief of the legal heirs of Richard Horne, deceased; to the Committee on War Claims.

By Mr. CARY: A bill (H. R. 23202) granting a pension to Patrick Harkin; to the Committee on Pensions.

By Mr. DWIGHT: A bill (H. R. 23203) to correct the military record of Stephen Burrows; to the Committee on Military Affairs.

By Mr. HANNA: A bill (H. R. 23204) granting a pension to William Stevens; to the Committee on Invalid Pensions.

By Mr. HULL: A bill (H. R. 23205) for the relief of Ramsey Dougherty; to the Committee on Military Affairs.

Also, a bill (H. R. 23206) granting a pension to Rhoda J. Huffines; to the Committee on Invalid Pensions.

By Mr. KINKAID of Nebraska: A bill (H. R. 23207) granting an increase of pension to Isaac W. Taylor, alias George R. Bundy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23208) granting an increase of pension to Amos Aspey; to the Committee on Invalid Pensions.

By Mr. LAFFERTY: A bill (H. R. 23209) granting a pension to Henry A. Ridgeway; to the Committee on Invalid Pensions.

By Mr. LA FOLLETTE: A bill (H. R. 23210) granting an increase of pension to William T. Lambdin; to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 23211) granting a pension to Sylvester B. Miller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23212) granting an increase of pension to Henry C. Soward; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23213) for the relief of Peter Cline; to the Committee on War Claims.

Also, a bill (H. R. 23214) for the relief of William H. Nolcini; to the Committee on War Claims.

Also, a bill (H. R. 23215) for the relief of G. W. Little; to the Committee on War Claims.

Also, a bill (H. R. 23216) for the relief of Mart Salzer; to the Committee on War Claims.

Also, a bill (H. R. 23217) for the relief of America Elam; to the Committee on War Claims.

Also, a bill (H. R. 23218) for the relief of M. P. Turner; to the Committee on War Claims.

Also, a bill (H. R. 23219) for the relief of the legal representatives of John D. Spencer; to the Committee on War Claims.

Also, a bill (H. R. 23220) for the relief of the legal representatives of Daniel Reed; to the Committee on War Claims.

By Mr. LLOYD: A bill (H. R. 23221) granting an increase of pension to Charles Callison; to the Committee on Invalid Pensions.

By Mr. MAGUIRE of Nebraska: A bill (H. R. 23222) granting a pension to James B. Downs; to the Committee on Pensions.

By Mr. MAHER: A bill (H. R. 23223) granting an increase of pension to Mary Newell; to the Committee on Invalid Pensions.

By Mr. MURRAY: A bill (H. R. 23224) granting an increase of pension to Richard McCarron; to the Committee on Invalid Pensions.

By Mr. O'SHAUNESSY: A bill (H. R. 23225) granting an increase of pension to Martin Casey; to the Committee on Pensions.

By Mr. PADGETT: A bill (H. R. 23226) for the relief of S. H. Bailey, sr.; to the Committee on War Claims.

Also, a bill (H. R. 23227) granting a pension to Jacob Horne; to the Committee on Invalid Pensions.

By Mr. PARRAN: A bill (H. R. 23228) granting a pension to Edith Mason; to the Committee on Pensions.

Also, a bill (H. R. 23229) granting an increase of pension to William H. Cole; to the Committee on Invalid Pensions.

By Mr. REILLY: A bill (H. R. 23230) granting an increase of pension to Osmer A. Talmage; to the Committee on Invalid Pensions.

By Mr. RUSSELL: A bill (H. R. 23231) granting an increase of pension to William A. Baty; to the Committee on Invalid Pensions.

By Mr. SMITH of California: A bill (H. R. 23232) to authorize the exchange of certain lands in the State of California; to the Committee on Indian Affairs.

By Mr. STONE: A bill (H. R. 23233) granting a pension to Cornelia F. Huckins; to the Committee on Invalid Pensions.

By Mr. SWITZER: A bill (H. R. 23234) granting a pension to Jessie Canterbury; to the Committee on Pensions.

Also, a bill (H. R. 23235) granting an increase of pension to William McCartney; 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. ALLEN: Resolutions of the Council of the City of Cincinnati, Ohio, favoring passage of a bill for coinage of 3-cent pieces; to the Committee on Banking and Currency.

By Mr. ANDERSON of Minnesota: Petition of Marcus Satory and 4 others, of Wabasha, Minn., against extension of parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. ANDERSON of Ohio: Resolutions of the Military Order of the Loyal Legion of the United States, of Cincinnati, Ohio, urging passage of House bill 19401, for the erection in the city of Washington of an equestrian statue to the memory of the late Maj. Gen. Oliver O. Howard; to the Committee on the Library.

Also, petition of citizens of the District of Columbia along the route of the Sixteenth Street herdic line, urging enactment of a law for improvement of Sixteenth Street herdic line; to the Committee on the District of Columbia.

Also, petition of citizens of the District of Columbia, urging passage of Senate bill 2904, to confer upon the Commissioners of the District of Columbia authority to regulate operation and equipment of vehicles of the Metropolitan Coach Co.; to the Committee on the District of Columbia.

By Mr. ASHBROOK: Petition of Samuel C. Burrell and 8 other citizens of Newark, Ohio, against the enactment of interstate liquor legislation; to the Committee on the Judiciary.

By Mr. BARNHART: Memorial of South Bend (Ind.) Polish Alliance, against House bill to regulate immigration by educational qualification; to the Committee on Immigration and Naturalization.

Also, petition of citizens of Nappanee, North Judson, and Rochester, Ind., protesting against parcel-post laws; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Elkhart, Ind., favoring passage of Berger bill, for old-age pensions for deserving men and women over 60 years of age; to the Committee on Pensions.

Also, petition of citizens of Fulton, Ind., protesting against a parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. BURKE of Wisconsin: Petition of Deutscher Kruger Verein, of Stevens Point, and Germania Unterstutzungs Verein, of Menasha, Wis., against the passage of all prohibition and

interstate-commerce liquor bills; to the Committee on Interstate and Foreign Commerce.

By Mr. CALDER: Petition of A. J. Clymer, Van Wert, Ohio, urging passage of House bill 17222 forbidding the transportation throughout the United States of unweaned calves; to the Committee on Interstate and Foreign Commerce.

Also, petition of the National Civic Federation, department on compensation for industrial accidents and their prevention, urging passage of Senate bill 5382—the workmen's compensation bill; to the Committee on the Judiciary.

Also, petition of Retail Cutlers' Association of New York and vicinity, urging support of bill for abolition of coupons and trading stamps; to the Committee on Interstate and Foreign Commerce.

Also, petition of R. H. Burns, of Brooklyn, N. Y., for passage of Senate bill 5955 for the relief of certain retired officers of the Navy and Marine Corps; to the Committee on Naval Affairs.

Also, petition of the Merchants' Association of New York, for legislation to promote the efficiency of the Public Health and Marine-Hospital Service; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Chamber of Commerce of Pittsburgh, Pa., protesting against House bill 21292; to the Committee on Interstate and Foreign Commerce.

Also, petitions of the Ohio Humane Society and Broome County (N. Y.) Humane Society, for enactment of House bill 17222; to the Committee on Interstate and Foreign Commerce.

By Mr. CRAGO: Petitions of Granges Nos. 1103 and 1438, Patrons of Husbandry, for enactment of House bill 19133, providing for a governmental system of postal express; to the Committee on Interstate and Foreign Commerce.

By Mr. DANIEL A. DRISCOLL: Memorial of the Chamber of Commerce of the State of New York, for enactment of House bill 20044, for the improvement of the foreign service; to the Committee on Foreign Affairs.

Also, memorial of the Chamber of Commerce of the State of New York, for the creation of a Federal commission on industrial relations; to the Committee on Rules.

Also, memorial of the Amateur Athletic Union, for appointment of a commissioner to represent the United States at the coming Olympian championships; to the Committee on Foreign Affairs.

Also, petition of Division No. 382, Brotherhood of Locomotive Engineers of Buffalo, N. Y., for enactment of House bill 20487; to the Committee on the Judiciary.

Also, petition of Chaffee Grange, No. 987, Patrons of Husbandry, against reducing the special tax on oleomargarine colored in imitation of butter; to the Committee on Agriculture.

By Mr. MICHAEL E. DRISCOLL: Resolutions of the registration committee of the Metropolitan Association of the Amateur Athletic Union, held in New York City April 4, 1912, asking that a representative be appointed to represent the United States at coming Olympian championships, to be held in Stockholm in June and July of this year; to the Committee on Foreign Affairs.

By Mr. FERGUSSON: Petition of citizens of New Mexico, favoring bill to lessen the hardships of the homestead law; to the Committee on the Public Lands.

By Mr. FULLER: Petition of Dr. Rufus W. Finley, of Rockford, Ill., favoring the passage of House bill 16843, to consolidate the veterinary service in the United States Army; to the Committee on Military Affairs.

Also, petition of the Order of Knights of Labor of Washington, D. C., in favor of policemen and firemen's pension bill; to the Committee on the District of Columbia.

By Mr. HAMLIN: Papers accompanying House bill 22797, to pension Carrie A. Hollenbeck, of Sedalia, Pettis County, Mo.; to the Committee on Invalid Pensions.

By Mr. HANNA: Petition of Division No. 202, Brotherhood of Locomotive Engineers, for enactment of House bill 20487; to the Committee on the Judiciary.

Also, petition of J. G. Jacobson, of Church's Ferry, N. Dak., for a Lincoln memorial road from Washington to Gettysburg; to the Committee on the Library.

Also, petition of F. J. Brownell, of Haynes, N. Dak., asking that the duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

Also, petition of residents of Max, N. Dak., for enactment of House bill 14, providing for a general parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petition of residents of Bismarck, N. Dak., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of the Woman's Christian Temperance Union of Hawkinson, N. Dak., for passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. HOBSON: Petition of members of Vaughn class of Calvary Baptist Sunday School, for restricting and reducing the number of saloons in the District of Columbia, etc.; to the Committee on the District of Columbia.

By Mr. LAFEAN: Soldier's affidavit containing evidence to be filed in support of House bill 19755, granting increase of pension to William C. Stair, One hundred and seventh Pennsylvania Veteran Volunteers, a resident of the National Home, Washington County, State of Tennessee; to the Committee on Pensions.

By Mr. LAFFERTY: Petition of L. M. Karpentur and others, of the State of Oregon, and Mrs. Elizabeth Riebhoff and others, of Portland, and W. J. Hunter and others, of Lents, Portland, and Hillsdale, State of Oregon, favoring parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petition of Frank J. Bradley and others, of Long Creek, Ore., favoring parcel-post law, and of H. R. Van Slyke and others, of Freewater, Ore., against passage of parcel-post law; to the Committee on the Post Office and Post Roads.

Also, petition of D. S. Kent and others, of Union, Ore., for the passage of bill prohibiting gambling in farm products, etc.; to the Committee on Agriculture.

By Mr. McMORRAN: Resolutions of the Grand Traverse Lincoln Club, of Traverse City, Mich., against the proposed use of the waters of Lake Michigan for sanitary purposes; to the Committee on Rivers and Harbors.

By Mr. MAHER: Memorial of the Chamber of Commerce of the State of New York, relative to operation of the Panama Canal; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Chamber of Commerce of the State of New York, urging creation of a Federal commission on industrial relations; to the Committee on Rules.

Also, memorial of the Chamber of Commerce of the State of New York, for enactment of House bill 20044, for the improvement of the foreign service; to the Committee on Foreign Affairs.

Also, memorial of the Chamber of Commerce of the State of New York, for amending the laws relating to navigation; to the Committee on the Merchant Marine and Fisheries.

Also, memorial of the Amateur Athletic Union, for appointment of a commissioner to represent the United States at the coming Olympian championships; to the Committee on Foreign Affairs.

Also, petition of Local No. 14, United Hatters of North America, of Newark, N. J., for retirement of civil-service employees; to the Committee on Reform in the Civil Service.

By Mr. MARTIN of South Dakota: Petition of St. Joseph's Catholic Society of Farmer, S. Dak., in regard to measures relating to Catholic Indian mission interests; to the Committee on Indian Affairs.

By Mr. NEELEY: Petition of citizens of Kiowa, Kans., favoring passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. NYE: Petition of citizens of Minneapolis, Minn., favoring construction of one battleship in a Government navy yard; to the Committee on Military Affairs.

By Mr. PARRAN: Memorial of Nenjemoy Grange, No. 306, Patrons of Husbandry, of Grayton, Charles County, Md., favoring passage of House bill 19133, to increase facilities and efficiency of the postal service; to the Committee on Interstate and Foreign Commerce.

Also, papers in support of bill for the erection of lights and construction of a sidewalk on Sixty-first Street, north and south of East Capitol Street, in the District of Columbia; to the Committee on the District of Columbia.

By Mr. RAKER: Petition of citizens of California, favoring House bill 21225, to make oleomargarine and butter of a different color; to the Committee on Agriculture.

By Mr. REILLY: Memorial of the Chamber of Commerce of the State of New York, for amending the laws relating to navigation; to the Committee on the Merchant Marine and Fisheries.

Also, memorial of the Chamber of Commerce of the State of New York, relative to operation of the Panama Canal; to the Committee on Interstate and Foreign Commerce.

Also, petition of A. G. Hammond Camp, No. 5, Department of Connecticut, favoring passage of House bill 17470, providing a pension for the widows and minor children of Spanish War veterans; to the Committee on Pensions.

By Mr. SULZER: Petition of Central Union Labor Council of Greater New York, for appointment of a commission on industrial relations; to the Committee on Rules.

Also, petitions of the Remington Typewriter Co. and John Boyle & Co., of New York City, for a general parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petition of the Brunswick-Balke Collander Co., of New York City, in opposition to prohibitory liquor laws in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of Frederick P. Seymour, of New York City, protesting against legislation to abolish privileges that manufacturers have enjoyed in maintaining uniform retail prices on patented articles; to the Committee on Patents.

By Mr. WILLIS: Papers to accompany House bill 23107, granting an increase of pension to John C. Babbs, late corporal Company F, Thirty-first Ohio Infantry, Civil War; to the Committee on Invalid Pensions.

By Mr. WOODS of Iowa: Petition of citizens of Webster City, Iowa, favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

SENATE.

FRIDAY, April 12, 1912.

The Senate met at 2 o'clock p. m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

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

INDIAN MONIES—PROCEEDS OF LABOR (H. DOC. NO. 695).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a detailed statement of expenditures of money carried on the books of the Interior Department under "Indian moneys, proceeds of labor," during the fiscal year ended June 30, 1911, which, with the accompanying paper, was referred to the Committee on Indian Affairs and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 12371. An act for the relief of Spencer Roberts, a member of the Metropolitan police force of the District of Columbia;

H. R. 14094. An act declaring the carrying concealed about the person any pistol, bowie knife, dirk or clasp knife, or razor, blackjack, dagger, sword cane, slung shot, brass or other metal knuckles in the District of Columbia a felony; and

H. R. 22642. An act providing for the protection of the interests of the United States in lands and waters comprising any part of the Potomac River, the Anacostia River or Eastern Branch, and Rock Creek and lands adjacent thereto.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a petition of the Central Committee of the Independence Party of the Territory of Porto Rico, praying for the postponement of all legislation relative to the status of the people of that Territory, which was referred to the Committee on Pacific Islands and Porto Rico.

He also presented petitions of the Presbyterian Woman's Christian Temperance Union of the Althea A. Taft Church, of Mendon, Mass.; of the congregations of the Baptist Church of Mendon, Mass., and the Christian Church of Bessemer, Ala.; of members of the Farmers' Club of Warrington, Pa.; of the congregation of the Methodist Episcopal Church of Mabel, Minn.; and of the Woman's Christian Temperance Union of Mabel, Minn., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating liquors, which were referred to the Committee on the Judiciary.

He also presented petitions of Washington Camps, No. 3, of Philadelphia; No. 8, of Harrisburg; No. 111, of Roxbury; No. 177, of Scranton; No. 184, of Linglestown; No. 194, of Sunbury; No. 201, of Gowen City; No. 202, of Brodheadsville; No. 239, of White Haven; No. 303, of Philadelphia; No. 316, of Klingerstown; No. 393, of Bloomingdale; No. 395, of Philadelphia; No. 402, of York; No. 405, of Lemoyne; No. 427, of Molltown; No. 457, of Lilly; No. 486, of Susquehanna; No. 498, of Pen Argyl; No. 607, of Dallastown; No. 611, of Apollo; No. 625, of Aronsburg; No. 629, of South Fork; No. 689, of Reading; No. 726, of Cashtown; No. 781, of Beallsville; No. 804, of Burgettstown; and No. 815, of Florence, of the Patriotic Order Sons of America, all in the State of Pennsylvania, praying for the enactment of legislation to further restrict immigration, which were ordered to lie on the table.

Mr. CULLOM presented a petition of Fred Bennitt Camp, No. 3, Department of Illinois, United Spanish War Veterans, of Pon-

tiac, Ill., praying for the enactment of legislation to pension widow and minor children of any officer or enlisted man who served in the War with Spain or the Philippine insurrection, which was referred to the Committee on Pensions.

Mr. WORKS presented memorials of sundry citizens of California, remonstrating against a reduction of the duty on sugar, which were referred to the Committee on Finance.

He also presented a petition of members of the Native Daughters of the Golden West, praying for the enactment of legislation to provide for the protection and preservation of the Calaveras or Mammoth Grove of Big Trees, which was referred to the Committee on Public Lands.

He also presented petitions of the congregations of the Congress Heights Methodist Episcopal Church, the McKendree Methodist Episcopal Church, the Metropolitan Presbyterian Church, the Church of the Covenant, the First Congregational Church, and of sundry citizens, all in the District of Columbia, praying for the enactment of legislation to diminish the number of saloons in the District and for more stringent regulation of those now in existence, which were referred to the Committee on the District of Columbia.

Mr. ASHURST presented the memorial of B. A. Fowler, of Phoenix, Ariz., remonstrating against any reduction in the appropriation for the maintenance of the Forest Service, which was referred to the Committee on Agriculture and Forestry.

He also presented the petition of J. W. Stinson, of Tucson, Ariz., praying that an appropriation of \$150,000 be made to be used in exploring for artesian water and for oil and gas in Pima County, in that State, which was referred to the Committee on Appropriations.

Mr. THORNTON. I present two telegrams in the nature of petitions, which I ask to have read.

There being no objection, the telegrams were read and referred to the Committee on Interstate Commerce, as follows:

[Telegram.]

NEW ORLEANS, LA., April 8, 1912.

Hon. J. R. THORNTON,

Member of Senate, Washington, D. C.:

The members of Sunny South Lodge, 211, Brotherhood of Railroad Trainmen, earnestly request your influence and vote in support of Senate bill 5382, workmen's compensation bill, as it vitally concerns the men in railroad service in your State.

W. H. ROBERTS.
J. F. BOWEN.

[Telegram.]

NEW ORLEANS, LA., April 9, 1912.

Senator THORNTON,

Washington, D. C.:

Senate bill No. 5382, workmen's compensation, will come up for your consideration, and, as president of Lodge No. 669, Brotherhood of Railroad Trainmen, on behalf of the members, urgently request your assistance in the passage of the same.

W. M. FITZGERALD.

1031 PIETY STREET.

Mr. CURTIS presented petitions of sundry citizens of McCune and St. Paul, in the State of Kansas, praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of Junction Grange, No. 239, Patrons of Husbandry, of Michigan Valley, Kans., remonstrating against the enactment of legislation to permit the coloring of oleomargarine in imitation of butter, which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of sundry citizens of Herington, Kans., remonstrating against the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

Mr. LODGE presented a petition of members of the Massachusetts Veterinary Association, praying for the establishment of a veterinary corps in the Army, which was referred to the Committee on Military Affairs.

Mr. CATRON presented a petition of sundry citizens of Union County, N. Mex., praying for the adoption of certain amendments to the homestead law, which was referred to the Committee on Public Lands.

He also presented a memorial of sundry citizens of Melrose, N. Mex., remonstrating against any reduction of the duty on sugar, which was referred to the Committee on Finance.

Mr. CLAPP (for Mr. LA FOLLETTE) presented a memorial of sundry citizens of Reedsburg, Wis., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

He also (for Mr. LA FOLLETTE) presented a petition of the City Council of Green Bay, Wis., praying for the enactment of legislation providing for the coinage of 3-cent pieces, which was referred to the Committee on Finance.