PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. FRENCH: A bill (H. R. 26338) providing for patents to desert-land entries on reclamation projects, and for other purposes; to the Committee on Irrigation of Arid Lands.

By Mr. MONDELL: A bill (H. R. 26339) authorizing and directing the Secretary of the Interior to investigate and settle certain accounts, and for other purposes; to the Committee on Irrigation of Arid Lands.

By Mr. DOREMUS: A bill (H. R. 26340) requiring all ocean and lake going vessels propelled by machinery and over 15 gross tons to carry a message case for the purpose of communicating any accident on shipboard to people on shore, when no other means are available; to the Committee on the Merchant Marine and Fisheries.

By Mr. HUMPHREYS of Mississippi: A bill (H. R. 26341) to regulate the construction of dams in navigable rivers, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ASHBROOK: Resolution (H. Res. 700) to pay E. B. McClelland for services as a House Office Building policeman; to the Committee on Accounts.

By Mr. WILSON of Pennsylvania: Resolution (H. Res. 701) authorizing the appointment of a special committee to investigate conditions existing in the Paint Creek coal field of West Virginia; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BOOHER: A bill (H. R. 26342) granting an increase of pension to Mary F. Murphy; to the Committee on Invalid Pensions.

By Mr. CALDER: A bill (H. R. 26343) granting an extension of letters patent to William F. Brothers; to the Committee on Patents.

By Mr. DENVER: A bill (H. R. 26344) granting a pension to Alice Ricketts; to the Committee on Invalid Pensions.

Also, a bill (H. R. 26345) granting a pension to Maud A. Johnston; to the Committee on Invalid Pensions.

By Mr. FLOOD of Virginia: A bill (H. R. 26346) for the relief of the legal representatives of Thomas B. McClintic, deceased; to the Committee on Claims.

By Mr. HAMILTON of West Virginia: A bill (H. R. 26347) granting an increase of pension to Alpheus Danley; to the Committee on Invalid Pensions.

By Mr. HELM: A bill (H. R. 26348) for the relief of the estate of John Wesley Eubanks; to the Committee on War Claims.

By Mr. LEE of Pennsylvania: A bill (H. R. 26349) granting a pension to John Dowdy; to the Committee on Pensions.

By Mr. LEVER: A bill (H. R. 26350) authorizing the President to nominate and, by and with the advice and consent of the Senate, appoint E. F. Slater, a first lieutenant in the Medical Reserve Corps of the United States Army, a captain in the Medical Corps on the retired list, and increasing the retired list by one for the purposes of this act; to the Committee on Military Affairs.

By Mr. McGILLICUDDY: A bill (H. R. 26351) granting a pension to Rosie Scott; to the Committee on Pensions.

By Mr. WILLIS: A bill (H. R. 26352) granting a pension to Lydia B. Fowler; to the Committee on Invalid Pensions.

By Mr. KAHN: A bill (H. R. 26353) granting a pension to Arrietta Newbert; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ANSBERRY: Memorial of the Grand Council of Ohio of United Commercial Travelers, favoring change of date for national and State elections; to the Committee on Elections of President, Vice President, and Representatives in Congress.

By Mr. HOWELL: Memorial of the Commercial Club of Salt Lake City, Utah, favoring a Federal commission to revise the mineral land laws of the United States; to the Committee on Mines and Mining.

By Mr. KINDRED: Petition of the Maritime Association of the port of New York favoring the building of two battleships; to the Committee on Naval Affairs.

By Mr. McKINNEY: Petition of A. G. Anderson, manager Angutane Book Concern, Rock Island, Ill., against passage of Senate amendment to Post Office bill; to the Committee on the Post Office and Post Roads.

By Mr. SCULLY: Petition of Middlesex Council, No. 63, Junior Order United American Mechanics, of Perth Amboy, N. J., and Charles L. Walters Council, No. 178, Junior Order United American Mechanics, Milltown, N. J., favoring passage of the Dillingham immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of the Patriotic Sons of America, Washington Camp, No. 85, of New Jersey, favoring passage of the Dillingham immigration bill; to the Committee on Immigration and Naturalization.

By Mr. UNDERHILL: Petition of the Isaac Goldman Co. against increased postage on magazines, etc.; to the Committee on the Post Office and Post Roads.

By Mr. WILLIS: Papers to accompany House bill 21696, granting an increase of pension to John W. Hendershott; to the Committee on Invalid Pensions.

Also, papers to accompany House bill granting a pension to Lydia B. Fowler; to the Committee on Invalid Pensions.

SENATE.

TUESDAY, *August 20, 1912.*

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

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

Mr. GALLINGER took the chair as President pro tempore under the previous order of the Senate.

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

PERSONAL EXPLANATION.

Mr. PENROSE. While I am on my feet, Mr. President, I desire to give notice that to-morrow, after the reading of the Journal, I shall rise to make a privileged statement regarding certain correspondence between John D. Archbold and myself. I understand that this will not interfere with the unanimous consent already given, and I ask that it be noted on the calendar.

The PRESIDENT pro tempore. It is the Senator's privilege.

EXECUTIVE SESSION.

The PRESIDENT pro tempore. It having been agreed by unanimous consent that on this day at 11 o'clock the Senate would proceed to the consideration of executive business, the Sergeant at Arms will see that the galleries are cleared and the doors closed.

The Senate thereupon proceeded to the consideration of executive business. After 3 hours and 15 minutes spent in executive session the doors were reopened.

DEPARTMENT OF LABOR.

Mr. BORAH. I ask unanimous consent that on Thursday morning, after the routine morning business and prior to the time at which the unfinished business would come up, we consider House bill 22913, being an act to create the department of labor.

The PRESIDENT pro tempore. The Senator from Idaho asks that on Thursday morning, after the routine morning business, the Senate will proceed to the consideration of the bill (H. R. 22913) to create a department of labor. Is there objection?

Mr. REED. I ask for order in the Chamber in order that the Senate may understand the request.

Mr. SMOOT. Will the Senator from Idaho add to his request not to interfere with the consideration of appropriation bills or conference reports?

Mr. BORAH. Yes; I think that under the circumstances that should be added.

The PRESIDENT pro tempore. The order as modified will be stated by the Secretary.

The Secretary read as follows:

It is agreed that on Thursday morning, immediately after the routine morning business, the Senate will proceed to the consideration of the bill (H. R. 22913) to create a department of labor, this, however, not to interfere with appropriation bills or reports of committees of conference.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Idaho? The Chair hears none.

THE PRESIDENTIAL TERM.

Mr. CUMMINS, Mr. NEWLANDS, Mr. SMOOT, and others addressed the Chair.

The PRESIDENT pro tempore. The Chair feels constrained to lay the unfinished business before the Senate. It will be stated.

The SECRETARY. A joint resolution (S. J. Res. 78) proposing an amendment to the Constitution of the United States.

The PRESIDENT pro tempore. The Senator from Iowa is recognized.

Mr. CUMMINS. I had not desired at this moment to lay aside the unfinished business, but I have no objection to yielding to any business that will not require considerable time.

The PRESIDENT pro tempore. Will the Senator from Iowa yield for morning business?

Mr. CUMMINS. I yield for morning business.

THE "TITANIC" DISASTER.

Mr. SMOOT. The other day the Senate passed a resolution providing that 12,000 copies of Senate Document No. 806, Sixty-second Congress, the report of the Senate Committee on Commerce on the *Titanic* disaster, be printed for the use of the Senate folding room. I ask that a reconsideration of the resolution be had, and that instead of having it furnished to the Senate folding room it be furnished to the Senate document room.

The PRESIDENT pro tempore. Without objection, the former order will be reconsidered, and the request as now made is that the resolution be amended by striking out "folding" before "room" and inserting "document."

The resolution (S. Res. 356) was agreed to, as follows:

Resolved, That 12,000 copies of Senate Report No. 806, Sixty-second Congress, second session, report of the Senate Committee on Commerce on the Titanic disaster, be printed for the use of the Senate document room.

Mr. SMITH of Michigan. In view of its importance and the widespread interest in the findings of the British commission appointed to inquire into the causes contributing to the wreck of the steamship *Titanic*, I ask unanimous consent that the official findings of the commission presided over by Lord Mersey be printed as a public document (S. Doc. No. 933).

The PRESIDENT pro tempore. Is there objection to the request made by the Senator from Michigan? The Chair hears none.

SECUNDINO ROMERO.

Mr. REED. I ask unanimous consent that the evidence taken in the hearing of the Senate on the appointment of Secundino Romero be made a public document.

Mr. SMOOT. I did not hear the Senator's request.

Mr. REED. I ask unanimous consent that the evidence already taken and already printed in the matter of the appointment of Secundino Romero be made a public document.

Mr. HEYBURN. I will object to that.

Mr. REED. I simply want to relieve it from secrecy. I do not want to have it cost the Government a cent.

Mr. HEYBURN. I think matter touching the personal character of men over whom we have no jurisdiction should not be printed as a public document.

The PRESIDENT pro tempore. Objection is made.

Mr. REED. I move that the report of the hearings on the appointment of Secundino Romero be made a public document.

The PRESIDENT pro tempore. The Senator from Missouri moves that the testimony taken in the case of Secundino Romero be made a public document.

Mr. HEYBURN. I suggest that the motion can only be appropriately made and considered in executive session. It would involve a discussion of it and a disclosure of it to do it in open session. I raise the point of order that it can not be considered in open session.

The PRESIDENT pro tempore. The point of order is sustained.

Mr. REED. Under what rule is the point of order sustained?

The PRESIDENT pro tempore. The motion relates to a matter belonging to the executive business of the Senate and manifestly can not be considered in open session when objection is made.

Mr. REED. The question whether the evidence shall be made public or not I insist belongs in open session. As to the question of discussing it, I am discussing the Chair's ruling, with the Chair's permission.

The PRESIDENT pro tempore. Certainly.

Mr. REED. The question as to what shall be said in that discussion, of course, must be regulated by the proprieties of the occasion. This is a public session of the Senate, and I am asking to have a matter made a public document, which is already printed. I respectfully protest against the ruling of the Chair that a motion of that kind can not be considered in the public sessions of the Senate, and I challenge any man to produce parliamentary law that says it can be considered only in executive session.

The PRESIDENT pro tempore. The Chair understands that the testimony was printed in confidence by the committee. The point of order is sustained.

Mr. REED. I appeal from the decision of the Chair.

The PRESIDENT pro tempore. An appeal is made. The question is, Shall the decision of the Chair stand as the judgment of the Senate? [Putting the question.] The ayes have it. The decision of the Chair is sustained.

THE J. KENNARD & SONS CARPET CO. (S. DOC. NO. 934).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury calling the attention of Congress to private act No. 77, "An act for the relief of the J. Kennard & Sons Carpet Co.," approved August 16, 1912, and stating that an appropriation of $2,427.88 will be necessary to enable that department to carry out the evident intention of the act, which was referred to the Committee on Appropriations and ordered to be printed.

UNITED STATES PUBLIC HEALTH SERVICE (S. DOC. NO. 935).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a supplemental estimate of appropriation for the United States Public Health Service for the fiscal year ending June 30, 1913, an item in amount of $50,000, under the heading "For pay and allowances and commutation of quarters commissioned medical officers and pharmacists," to provide for 25 additional commissioned medical officers, etc., which, with the accompanying papers, was referred to the Committee on Appropriations 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:

S. 4679. An act to amend section 95 of the "Act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911;

S. 4753. An act to amend an act entitled "An act to provide for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes," approved April 26, 1906 (34 Stat. L., p. 137);

S. 5882. An act to extend the time for the completion of a bridge across the Missouri River at or near Yankton, S. Dak., by the Winnipeg, Yankton & Gulf Railroad Co.;

S. 6688. An act to repeal section 13 of the act approved March 2, 1907, entitled "An act amending an act entitled 'An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes'";

S. 6763. An act to authorize the cities of Bangor and Brewer, Me., to construct or reconstruct, wholly or in part, and maintain and operate a bridge across the Penobscot River, between said cities, without a draw; and

S. 7157. An act to make uniform charges for furnishing copies of records of the Department of the Interior and of its several bureaus.

The message also announced that the House had passed the bill (S. 7209) to authorize the construction of a bridge across the Mississippi River at the town site of Sartell, Minn., with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills, each with amendments, in which it requested the concurrence of the Senate:

S. 3045. An act to provide for agricultural entries on oil and gas lands;

S. 4301. An act authorizing the Secretary of War to lease to the Chicago, Milwaukee & Puget Sound Railway Co. a tract of land in the Fort Keogh Military Reservation, in the State of Montana, and for a right of way thereto for the removal of gravel and ballast material;

S. 5458. An act to extend the time for the completion of a bridge across the Delaware River, south of Trenton, N. J., by the Pennsylvania Railroad Co. and the Pennsylvania & Newark Railroad Co. or their successors;

S. 5556. An act to amend "An act to create an auditor of railroad accounts, and for other purposes," approved June 19, 1878, as amended by the acts of March 3, 1881, and March 3, 1903, and for other purposes;

S. 5679. An act to amend section 2 of an act to authorize the President of the United States to make withdrawals of public lands in certain cases, approved June 25, 1910;

S. 5808. An act granting right of way across Port Discovery Bay, United States Military Reservation, to the Seattle, Port Angeles & Lake Crescent Railway, of the State of Washington;

S. 6777. An act to authorize the board of county commissioners of Horry County, S. C., to construct a bridge across Kingston Lake at Conway, S. C.; and

S. 7315. An act to authorize the construction of a bridge across the Clearwater River at any point within the corporate limits of the city of Lewiston, Idaho.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 26321) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 38) to create a legislative assembly in the Territory of Alaska, to confer legislative power thereon, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 16571) to give effect to the convention between the Governments of the United States, Great Britain, Japan, and Russia for the preservation and protection of the fur seals and sea otter which frequent the waters of the North Pacific Ocean, concluded at Washington July 7, 1911.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 24565) making appropriations for the naval service for the fiscal year ending June 30, 1913, and for other purposes.

The message also announced that the House had agreed to a concurrent resolution (H. Con. Res. 58) authorizing Herman Walthauser, of Boston, Mass., to make a cast from the head of the statue of John Hancock, now located in the Senate wing of the Capitol, in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to a concurrent resolution (H. Con. Res. 62) relative to the enrollment of the bill (H. R. 38) to create a legislative assembly in the Territory of Alaska, to confer legislative power thereon, and for other purposes, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills and joint resolutions, in which it requested the concurrence of the Senate:

H. R. 4718. An act to authorize the use of certain unclaimed moneys now in the registry of the United States District Court for the Northern District of Ohio for the improvement of the libraries of the United States courts for said district;

H. R. 8151. An act providing for the adjustment of the grant of land in aid of the construction of the Corvallis and Yaquina Bay military wagon road, and of conflicting claims to lands within the limits of said grant;

H. R. 11877. An act to amend section 8 of the food and drugs act approved June 30, 1906;

H. R. 12813. An act to refund duties collected on lace-making and other machines and parts or accessories thereof imported subsequently to August 5, 1911;

H. R. 20193. An act authorizing the Secretary of the Navy to pay a cash reward for suggestions submitted by civilian employees of the Navy Department for improvement or economy in manufacturing process or plant;

H. R. 22209. An act providing for the disposition of effects of deceased patients of the Public Health and Marine-Hospital Service and of certain deceased officers and men connected with the Army;

H. R. 23112. An act to extend the limits of the port of entry of New Orleans, La.;

H. R. 23953. An act to authorize the reservation of land for public purposes in town sites in certain Indian reservations;

H. R. 24365. An act providing for the taking over by the United States Government of the Confederate cemetery at Little Rock, Ark.;

H. R. 25282. An act to authorize the Union Pacific Railroad Co. to construct a bridge across the Missouri River;

H. R. 25342. An act to amend section 90 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, and for other purposes;

H. R. 25611. An act to authorize the sale of certain lots in the Hot Springs Reservation for church and hospital purposes;

H. R. 25624. An act providing for the sale of the old post-office property at Providence, R. I., by public auction;

H. R. 25714. An act to amend "An act to increase the limit of cost of certain public buildings, to authorize the enlargement, extension, remodeling, or improvement of certain public buildings, to authorize the erection and completion of public buildings, to authorize the purchase of sites for public buildings, and for other purposes;

H. R. 25878. An act granting certain lands for a cemetery to the Fort Bidwell People's Church Association, of the town of Fort Bidwell, State of California, and for other purposes;

H. R. 26005. An act to provide for the establishment of one life-saving station on the larger of the two Libby Islands, situated at the entrance to Machias Bay, Me.; one life-saving station at Half Moon Bay, south of Point Montara and near Montara Reef, Cal.; one life-saving station at Mackinac Island, Mich.; and one life-saving station at or near Sea Gate, New York Harbor, N. Y.; and to provide increased quarantine facilities at the port of Portland, Me.;

H. R. 26090. An act authorizing the towns of Ball Bluff, Libby, and Cornish, in the county of Aitkin, Minn., to construct a bridge across the Mississippi River in Aitkin County, Minn.;

H. R. 26114. An act to authorize the Government of Porto Rico to construct a bridge across the Cano de Martin Pena, an estuary of the harbor of San Juan, P. R.;

H. R. 26235. An act to authorize the city of Chicago to construct a bridge across the Little Calumet River, at Indiana Avenue, in said city;

H. R. 26236. An act conferring upon the Lawton Railway & Lighting Co. the privileges, rights, and conditions heretofore granted the Lawton & Fort Sill Electric Co. to construct a railroad across certain lands in Comanche County, Okla.;

H. J. Res. 173. Joint resolution providing for an investigation by the Commissioner of Fisheries as to the destructiveness of the method of fishing known as otter and beam trawling; and

H. J. Res. 210. Joint resolution authorizing the President to appoint a member of the New Jersey and New York Joint Harbor-Line Commission.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the President pro tempore:

S. 7424. An act to amend an act approved July 20, 1912, entitled "An act to authorize Arkansas & Memphis Railway Bridge & Terminal Co. to construct, maintain, and operate a bridge across the Mississippi River";

H. R. 20498. An act for the relief of certain homesteaders in Nebraska;

H. R. 21708. An act to authorize the lighting of Piney Branch Road from Georgia Avenue to Butternut Street;

H. R. 21969. An act to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone; and

H. R. 26321. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes;

PETITIONS AND MEMORIALS.

Mr. CULLOM presented a petition of the Central Trades and Labor Union, of East St. Louis, Ill., praying for the enactment of legislation providing for the better protection of American seamen, which was referred to the Committee on Commerce.

He also presented a memorial of Local Union, No. 21, Liquor Dealers' Protective Association, of Proviso, Ill., remonstrating against the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was ordered to lie on the table.

Mr. POINDEXTER. I present a petition of members of the Railroad Men's Political Club of Tacoma, Wash., praying for the creation of an interstate industrial commission. I ask that the petition lie on the table and be printed in the RECORD.

There being no objection, the petition was ordered to lie on the table and to be printed in the RECORD, as follows:

Resolution.

THE CREATION OF AN INTERSTATE INDUSTRIAL COMMISSION.

Whereas the peace and tranquillity of the Nation has been disturbed from time to time by strikes or threatened strikes, by lockouts, by "open" or "closed" shop controversies, by blacklisting, boycotting, or blackmailing, thereby causing unnecessary economic waste to the workingman, to employer, and to society in general; and

Whereas the use of these prerogatives in industrial disputes are detrimental to the best interests of our people: Therefore be it

Resolved, That this organization favor such Federal legislation as will provide—

First. That it be unlawful to strike or to lockout, to alter wage scales or change working conditions, and, really, unlawful to blacklist, to boycott, or to blackmail, except, however, such alteration of wage scale or change of working condition as may be amicably adjusted between employer and that organization of employees representing any particular craft; and

Second. That in lieu of the exercise of such prerogatives and the present system of adjusting labor disputes, that there be created an interstate industrial commission, with the power of a court, and that there be such changes in our political machinery somewhat as outlined hereinafter; and

Third. That there be created an interstate industrial commission to consist of one commissioner selected by and from each of the following organizations of employers and employees: The Railway General Managers' Association; the joint railway brotherhoods; the National Lumber Manufacturers' Association; representative of the mill workers; the coal-mine operators; the coal miners' union; the mine owners, other than coal; the mine workers, other than coal; the National Manufacturers' Association; the National Civic Federation; the Merchants and Manufacturers' Association; the American Federation of Labor; the shipowners; the seamen's union; and a chairman to be appointed by the President, and which member shall be a Cabinet officer.

Each commissioner shall act as the national representative of the organization electing him in legislative matters, and shall be subject to recall by the same authority responsible for his selection; and

(a) Such commission shall have plenary powers in all matters pertaining to industrial disputes other than intrastate; and

(b) It shall be invested with the full power of a court in such matters as examining witnesses, taking evidence, requiring production of documents, enforcing awards, and all other things pertinent to industrial disputes conformable to law which may be necessary to enable them to discharge the duties of their office; and

(c) Its awards shall stand unless reversed by Congress, to which there shall be the right of appeal; and

(d) It shall fix a minimum wage—a living wage—upon an eight-hour six-day-a-week basis in all classified industries not having such minimum wage, except, however, intrastate industries; and

(e) That the Department of Commerce and Labor be abolished and that all matters pertaining to commerce be transferred to the Interstate Commerce Commission, and that all other matter to the interstate industrial commission; and

(f) That the chairman of the Interstate Commerce Commission be made a Cabinet officer.

Mr. POINDEXTER presented a petition of members of the Wallingford Baptist Mission, of Seattle, Wash., praying for the appointment of a day to be known and observed by the Nation as "mothers' day," which was ordered to lie on the table.

Mr. SMITH of Michigan presented petitions of sundry citizens of Petoskey, Three Rivers, Owosso, Port Huron, and Battle Creek, all in the State of Michigan, remonstrating against the establishment of a department of public health, which were ordered to lie on the table.

Mr. LODGE presented a memorial signed by 432 citizens of the State of Massachusetts, remonstrating against the adoption of the proposed provision in the Panama Canal bill permitting the free importation of shipbuilding material, which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. SHIVELY, from the Committee on Education and Labor, to which was referred the bill (H. R. 18787) relating to the limitation of the hours of daily service of laborers and mechanics employed upon a public work of the United States and of the District of Columbia, and of all persons employed in constructing, maintaining, or improving a river or harbor of the United States and of the District of Columbia, reported it with amendments and submitted a report (No. 1056) thereon.

Mr. POINDEXTER, from the Committee on Pensions, to which was referred the bill (H. R. 14053) to increase the pensions of surviving soldiers of Indian wars in certain cases, reported it with an amendment and submitted a report (No. 1059) thereon.

Mr. GALLINGER, from the Committee on the District of Columbia, to which was referred the bill (S. 7430) providing for the cancellation of certain overdue personal taxes in the District of Columbia, reported it without amendment and submitted a report (No. 1057) thereon.

He also, from the same committee, to which was referred the bill (S. 7162) to amend section 801 of the Code of Law for the District of Columbia, reported it with an amendment and submitted a report (No. 1058) thereon.

He also, from the same committee, to which was referred the following bills, submitted adverse reports thereon, which were agreed to, and the bills were postponed indefinitely:

S. 7325. A bill for the extension of H Street east from Eighteenth Street north to Oklahoma Avenue (Rept. No. 1053);

S. 7326. A bill for the extension of Maryland Avenue east of Fifteenth Street to M Street NE. (Rept. No. 1054); and

S. 7327. A bill for the extension of Eighteenth Street east from Benning Road to K Street north (Rept. No. 1055).

THE ARMY CANTEEN (S. DOC. NO. 931).

Mr. GALLINGER. I present a protest, signed by 94 leading practicing physicians and teachers in various parts of the country, remonstrating against the reestablishment of beer selling in the Army. I ask that the protest be printed in the RECORD, together with the names, and that it also may be printed as a document, and that 1,000 additional copies be printed for the use of the Senate document room.

There being no objection, the memorial was ordered to be printed as a document, 1,000 additional copies to be printed, and to be printed, with the names, in the RECORD, as follows:

[Senate Document No. 931, Sixty-second Congress, second session.]

THE ARMY CANTEEN.

Mr. GALLINGER presented the following memorial of physicians remonstrating against the restoration of the Army canteen:

To the honorable the Members of the United States Senate and House of Representatives:

The undersigned physicians respectfully but earnestly protest to your honorable bodies against the passage of any bill to reestablish beer selling in the United States Army.

A study of the Army statistics during the present nonbeer period as compared with the previous beer-selling period shows:

First. That the average admission rate for alcoholism in the Army has been lower during the nonbeer period, 1901–1910.

Second. That although the average admission rate for venereal disease has been higher during the nonbeer period than in the preceding beer-selling period, the greatest increase took place in the beer period immediately after the Spanish War. The increase between the first and the last year of that period was 106 per cent. The increase in the nonbeer period was 19 per cent, at the highest point reached by the venereal rate, which was seven years ago (1905).

In other words, beer, which is now advocated as a preventive of venereal diseases, failed in the beer-selling period to prevent an increase nearly six times as great as the increase during the nonbeer period.

Third. It is not only in the state of drunkenness that men step into danger of incurring venereal diseases, but in the state of exhilaration and weakened self-control, which follows the use of comparatively small amounts of alcoholic liquors. Modern scientific investigation has shown clearly that one of the earliest effects of the use of alcoholic liquors is impaired self-control. This impairment of self-control not only follows the use of the stronger alcoholic liquors, but may also follow the use of beer.

Fourth. Army tests, conducted by generals and Army medical officers, have repeatedly shown the disadvantage not only of the spirits drinker, but of even the beer drinker, in health, endurance, morale, and marksmanship—the qualities which are especially necessary for the efficiency of the soldier.

In view of the foregoing facts, we respectfully submit that science and experience indicate that the sale of beer in the Army is not only not required to diminish venereal diseases, but that its reinstatement would conflict with the best interests of the soldier himself, physically and morally, both in the Army and when he returns to civil life, and that it would be in direct opposition to the highest efficiency of the Army as a means of national defense.

We therefore respectfully urge you not to pass any bill for the reestablishment of beer selling in the Army.

Signed by—

Francis G. Benedict, Ph. D., director Institute of Nutrition, Carnegie Institute of Nutrition, Boston.

Henry S. Brookes, M. D., clinical professor of medicine, Washington University, St. Louis, Mo.

William F. Boos, M. D., biological chemist and pharmacologist, Massachusetts General Hospital, Boston, Mass.

Richard C. Cabot, M. D., assistant professor of clinical medicine, Harvard Medical School, Boston, Mass.

Elbridge G. Cutler, M. D., consulting physician, Massachusetts General Hospital, 214 Beacon Street, Boston.

N. S. Davis, M. D., professor of medicine, Northwestern University, Medical School, Chicago, Ill.

Arthur T. Edwards, M. D., dean Northwestern University Medical School, 32 North State Street, Chicago.

Haven Emerson, M. D., A. M., associate in physiology, instructor in medicine, College of Physicians and Surgeons, 120 East Sixty-second Street, New York City.

T. Wood Hastings, M. D., professor of clinical pathology, Cornell University Medical College, 477 First Avenue, New York City.

Winfield Scott Hall, Ph. D., M. D., professor of physiology, dean Northwestern Medical School, Northwestern University, Chicago.

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Henry Jackson, M. D., 380 Marlboro Street, Boston.

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Howard A. Kelly, M. D., professor of gynecological surgery, Johns Hopkins University, 1418 Eutaw Place, Baltimore, Md.

J. Mason Knox, jr., M. D., associate in pediatrics, Johns Hopkins University, 804 Cathedral Street, Baltimore.

Jacques Loeb, M. D., Ph. D., Sc. D., member Rockefeller Institute for Medical Research, Sixty-sixth Street and Avenue A, New York City.

John A. Lichty, M. D., professor of medicine, University of Pittsburgh, 4634 Fifth Avenue, Pittsburgh.

Lawrence Litchfield, A. B., M. D., member of executive committee Pennsylvania Society Prevention of Social Diseases, member committee on organization of Fifteenth International Congress on Hygiene and Demography, Pittsburgh.

Emanuel Libman, M. D., professor of clinical medicine, Columbia University, 180 East Sixty-fourth Street, New York City.

Frederick P. Lord, M. D., professor of anatomy, Dartmouth College, Hanover, N. H.

E. E. Montgomery, M. D., professor of gynecology, Jefferson Medical College, 1426 Spruce Street, Philadelphia, Pa.

Henry O. Marcy, A. M., M. D., LL. D., late surgeon and medical director United States Army, 180 Commonwealth Avenue, Boston.

Joseph McFarland, M. D., professor of pathology, Medico-Chirurgical College, Philadelphia, Pa.

Joseph L. Miller, M. D., associate professor of medicine, Rush Medical College, Chicago, Ill.

Mathew D. Mann, A. M., M. D., dean medical department University of Buffalo, 37 Allen Street, Buffalo, N. Y.

Edward O. Otis, M. D., professor pulmonary diseases and climatology, Tufts College Medical School, Boston, Mass.

Charles P. Putnam, M. D., president of associated charities, 63 Marlboro Street, Boston, Mass.

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Bertram W. Sippy, M. D., professor of medicine, Rush Medical College, Chicago.
Paul G. Woolley, M. D., dean College of Medicine, University of Cincinnati, Cincinnati, Ohio.
Joseph E. Winters, M. D., professor of diseases of children, Cornell Medical College, 25 West Thirty-seventh Street, New York City.
Robert N. Willson, M. D., physician to Philadelphia General Hospital; pathologist to Presbyterian Hospital, 1708 Locust Street, Philadelphia.
F. N. Whittier, M. D., professor of pathology and bacteriology, Bowdoin College, Brunswick, Me.
Ralph W. Webster, M. D., assistant professor of pharmacology and therapeutics, Rush Medical College, Chicago.
Brooke M. Auspach, M. D., associate in gynecology, University of Pennsylvania, 119 South Twentieth Street, Philadelphia.
L. Vernon Briggs, M. D., 64 Beacon Street, Boston, Mass.
Clyde Brooks, Ph. D., assistant professor of physiology and pharmacology, University of Pittsburgh Medical School, Pittsburgh, Pa.
Marshall H. Bailey, M. D., medical adviser, Harvard University, Cambridge, Mass.
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John M. Connolly, A. M., M. D., LL. D., visiting physician, Mount Sinai Hospital, 419 Boylston Street, Boston.
Ernest W. Cushing, M. D., professor of abdominal surgery and gynecology, Tufts Medical School, 168 Newbury Street, Boston.
John Champlin, M. D., consulting physician, Rhode Island Hospital, 9 Granite Street, Westerly, R. I.
William H. Coleman, M. D., lecturer materia medica, University of Louisville, 3000 Fourth Street, Louisville, Ky.
Frederick C. Curtis, M. D., professor of dermatology, Albany Medical College, Albany, N. Y.
S. C. Emley, A. M., M. D., associate professor of otology, University of Kansas, 703 Waldheim Building, Kansas City, Mo.
Theodore Erb, M. D., 159 St. Botolph Street, Boston.
Eugene L. Fisk, M. D., medical director of Postal Life Insurance Co., 35 Nassau Street, New York City.
George J. Fisher, M. D., director of physical training, Young Men's Christian Association of North America, 124 East Twenty-eighth Street, New York City.
T. H. Fraser, M. D., president County Medical Society, Mobile, Ala.
Roy K. Flannagan, M. D., director of inspections, Virginia Health Department, 1110 Capital Street, Richmond, Va.
Alfred Gordon, M. D., late lecturer on nervous diseases, Jefferson Medical College, 1430 Pine Street, Philadelphia.
Hermon C. Gordinier, M. D., professor of physiology, Albany Medical College, 89 Fourth Street, Troy, N. Y.
R. H. Greeve, M. D., 78 East Fifty-sixth Street, New York City.
Samuel G. Gay, M. D., Selma, Ala.
John M. Hundley, M. D., clinical professor of diseases of women, University of Maryland, Baltimore.
Walter G. Hope, M. D., ex-president New Mexico State Medical Society, State National Bank Building, Albuquerque, N. Mex.
George H. Hall, M. D., associate professor of medicine, Rush Medical College, 15 East Washington Street, Chicago.
Guy L. Hunner, M. D., associate in gynecology, Johns Hopkins University Medical School, Baltimore.
William McIntyre Harsha, M. D., professor of surgery, College of Medicine, University of Illinois, Chicago.
Henry Reed Hopkins, M. D., ex-president Medical Society, State of New York (1902), 433 Franklin Street, Buffalo, N. Y.
Searle Harris, M. D., editor in chief Southern Medical Journal, Mobile, Ala.
William Van V. Hayes, M. D., professor of diseases of digestive system, New York Polyclinic, 34 West Fiftieth Street, New York City.
M. L. Harris, M. D., Chicago, Ill.
David Starr Jordan, M. D., Ph. D., president Leland Stanford Junior University, Palo Alto, Cal.
D. S. D. Jessup, M. D., instructor in clinical pathology and medical visitor, Columbia University, 601 West One hundred and thirteenth Street, New York City.
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George T. Jackson, M. D., professor of dermatology, College of Physicians and Surgeons, 11 East Forty-eighth Street, New York City.
Holmes C. Jackson, M. D., professor of physiology, New York University and Bellevue Hospital Medical College, New York City.
J. Thomas Kelley, M. D., gynecologist Providence Hospital, 1312 Fifteenth Street, New York City.
L. F. Kebler, chief of Drug Division, Bureau of Chemistry, Washington, D. C.
George Roe Lockwood, M. D., professor of clinical medicine, Columbia University, 18 East Fifty-second Street, New York City.
Bird M. Linnell, first lieutenant and assistant surgeon, associate professor of medicine, Rush Medical College, 32 North State Street, Chicago.
Edward E. Mayer, M. D., professor of clinical neurology, University of Pittsburgh, Pa.
Howard H. Mason, M. D., 147 East Sixty-second Street, New York City.
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J. G. Palmer, M. D., Opelika, Ala.
John D. Quackenbos, M. D., emeritus professor, Columbia University, 331 West Twenty-eighth Street, New York City.
William E. Quine, M. D., dean College of Medicine, University of Illinois, Chicago.
James L. Reat, M. D., late surgeon Twenty-first Regiment Illinois Volunteers, Tuscola, Ill.
John Edwin Rhodes, M. D., associate professor Rush Medical College, People's Gas Building, Chicago.
B. B. Rogan, M. D., Selma, Ala.
L. E. Sayre, M. D., dean School of Pharmacy, University of Kansas, 1323 Ohio Street, Lawrence, Kans.
F. N. Seerley, M. D., lecturer Society Sanitary and Moral Prophylaxis, Young Men's Christian Association Training School, Springfield, Mass.
Freeman A. Tower, M. D., superintendent Burbank Hospital, Fitchburg, Mass.
William C. Thro, M. D., assistant professor of clinical pathology, Cornell Medical School, 547 West One hundred and fifty-eighth Street, New York City.
George H. Washburn, M. D., 377 Marlboro Street, Boston.
William A. Wiseman, M. D., member American Medical Association, Chicago.
William C. Wallace, M. D., staff Ohio Valley Hospital, ex-captain artillery, National Guard of Pennsylvania, 47 Prospect Avenue, Ingram, Pa.
Stephen A. Welch, M. D., consulting physician Rhode Island Hospital, 253 Washington Street, Providence, R. I.
Ennion G. Williams, M. D., Richmond, Va.
J. W. Wiltse, M. D., lecturer Albany Medical College, dermatology and genito-urinary diseases, attending dermatologist and genito-urinary surgeon, St. Peter's Hospital, Albany, N. Y.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JONES:

A bill (S. 7485) granting a pension to Emily J. Chambers; to the Committee on Pensions.

By Mr. McCUMBER:

A bill (S. 7486) to authorize the Secretary of War to deliver to the city of Grand Forks, N. Dak., two brass or bronze condemned cannon and suitable outfit of cannon balls; to the Committee on Military Affairs.

By Mr. GUGGENHEIM:

A bill (S. 7487) ceding to the city and county of Denver, Colo., certain lands for park purposes; to the Committee on Public Lands.

AMENDMENT TO DEFICIENCY APPROPRIATION BILL.

Mr. CRANE submitted an amendment proposing to appropriate $43,880 for increased quarantine facilities at the port of Portland, Me., intended to be proposed by him to the general deficiency appropriation bill (H. R. 25970), which was referred to the Committee on Appropriations and ordered to be printed.

BUST OF JOHN HANCOCK.

The PRESIDENT pro tempore laid before the Senate the following concurrent resolution (H. Con. Res. 58), of the House of Representatives, which was read, as follows:

Whereas the Society of the Sons of the Revolution of Massachusetts desire to present to that State a bust of John Hancock, and in order to do so it is necessary to obtain a cast from the head of the statue now in the Senate wing of the Capitol, which is the only known statue of Hancock: Therefore be it

Resolved by the House of Representatives (the Senate concurring), That Herman Walthauser, of Boston, Mass., be, and hereby is, authorized to make a cast from the head of the statue of John Hancock, now located in the Senate wing of the Capitol.

Mr. LODGE. I ask for the adoption of the concurrent resolution.

The concurrent resolution was considered by unanimous consent and agreed to.

LEGISLATIVE ASSEMBLY FOR ALASKA.

The PRESIDENT pro tempore laid before the Senate a concurrent resolution (H. Con. Res. 62), from the House of Representatives, which was read, as follows:

Resolved by the House of Representatives (the Senate concurring), That the enrolling clerk of the House, in the enrollment of the bill (H. R. 38) entitled "An act to create a legislative assembly in the Territory of Alaska, to confer legislative power thereon, and for other purposes," be directed to regard the matter furnished in the conference report to be inserted in lieu of amendments Nos. 7 to 15, inclusive, as following the word "years," on page 3, line 18; and that the matter proposed to be stricken from amendment No. 68, as set forth in said conference report, be designated "All after the word 'thereof,' in line 21 of the proposed amendment, down to and including 'and' in line 24."

Mr. SMITH of Michigan. This concurrent resolution is intended merely to correct a clerical error. It does not change the measure. I ask for its adoption.

The concurrent resolution was considered by unanimous consent and agreed to.

AGRICULTURAL ENTRIES ON OIL AND GAS LANDS.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 3045) to provide for agricultural entries on oil and gas lands, which were, on page 1, line 4, to strike out "exclusive of Alaska" and insert "in the State of Utah"; on page 1, line 8, after "selection," to insert "by the State of Utah under grants made by Congress and"; on page 1, line 12, after "Act," to insert "and to disposition in the discretion of the Secretary of the Interior under the law providing for the sale of isolated or disconnected tracts of public lands"; on page 2, line 5, after "acres," to strike out all down to and including "homestead" in line 9; on page 2, line 16, to strike out "any State" and insert "and the State of Utah"; on page 2, line 19, after "Act," to insert "or under grants made by Congress"; on page 3, line 7, after "same," to insert "upon rendering compensation to the patentee for all damages that may be caused by prospecting for and removing such oil or gas"; and on page 3, line 9, after "law," to strike out all down to and including "reservation" in line 15.

Mr. SMOOT. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

MISSISSIPPI RIVER BRIDGE.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 7209) to authorize the construction of a bridge across the Mississippi River at the town site of Sartell, Minn., which was on page 1, line 6, to strike out "wagon and foot."

Mr. NELSON. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

DELAWARE RIVER BRIDGE.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 5458) to extend the time for the completion of a bridge across the Delaware River south of Trenton, N. J., by the Pennsylvania Railroad Co. and the Pennsylvania & Newark Railroad Co., or their successors, which were to strike out all after the enacting clause and insert:

That the Pennsylvania Railroad Co., a corporation existing under the laws of the State of Pennsylvania, and the Pennsylvania & Newark Railroad Co., a corporation existing under the laws of the State of New Jersey, or their successors, be, and they are hereby, authorized to construct, maintain, and operate a bridge, with as many tracks as they shall deem necessary for railroad traffic, across the Delaware River at a point suitable to the interests of navigation, between a point ½ mile south of and a point 1½ miles south of the southern boundary line of the city of Trenton, in the State of New Jersey, and a point south of and within 2½ miles of the southern boundary line of the borough of Morrisville, in the county of Bucks, and State of Pennsylvania, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Amend the title so as to read: "An act to authorize the Pennsylvania Railroad Co. and the Pennsylvania & Newark Railroad Co., or their successors, to construct, maintain, and operate a bridge across the Delaware River."

Mr. OLIVER. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

CLEARWATER RIVER BRIDGE, IDAHO.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 7315) to authorize the construction of a bridge across the Clearwater River at any point within the corporate limits of the city of Lewiston, Idaho, which were, on page 1, line 7, to strike out "any" and insert "a"; and to amend the title so as to read: "An act to authorize the construction of a bridge across the Clearwater River at a point within the corporate limits of the city of Lewiston, Idaho."

Mr. BORAH. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

FORT KEOGH MILITARY RESERVATION.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 4301) authorizing the Secretary of War to lease to the Chicago, Milwaukee & Puget Sound Railway Co. a tract of land in the Fort Keogh Military Reservation, in the State of Montana, and for a right of way thereto for the removal of gravel and ballast material, which were, on page 1, line 4, to strike out "and directed" and insert "in his discretion"; and on page 2, line 9, to strike out "until the supply thereof shall be exhausted."

Mr. MYERS. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

RIGHT OF WAY ACROSS PORT DISCOVERY BAY.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 5808) granting right of way across Port Discovery Bay United States Military Reservation to the Seattle, Port Angeles & Lake Crescent Railway, of the State of Washington, which were, on page 1, line 7, after "survey," to strike out "," and insert "and"; on page 1, line 7, after "locate," to strike out ", and maintain"; on page 2, line 2, after "meridian," to insert ", and is hereby granted a revocable license to maintain the same; said license to remain in force during the pleasure of Congress"; on page 2, line 3, to strike out "authorized" and insert "licensed"; on page 2, in lines 5 and 6, strike out "not to exceed 100 feet in width"; on page 2, line 10, after "houses," to strike out all down to and including "houses" in line 13; on page 2, line 13, after "That," to insert ", subject to such rules and regulations as the Secretary of War may from time to time prescribe"; on page 2, line 14, after "taken," to insert "under said license"; on page 4, line 7, to strike out "grant" and insert "license"; and on page 4, line 7, to strike out "made" and insert "granted."

Mr. JONES. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

AUDITOR OF RAILROAD ACCOUNTS.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 5556) to amend an act to create an auditor of railroad accounts, and for other purposes, approved June 19, 1878, as amended by the acts of March 3, 1881, and March 3, 1903, and for other purposes, which were, on page 1, lines 3 and 4, to strike out "the duties devolved on the Secretary of the Interior by," and on page 2, lines 10 and 11, strike out "they hereby are, transferred to and devolved upon the Interstate Commerce Commission" and insert "it is hereby repealed."

Mr. BRANDEGEE. I move that the Senate concur in the House amendments.

The motion was agreed to.

KINGSTON LAKE BRIDGE, SOUTH CAROLINA.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 6777) to authorize the board of county commissioners of Horry County, S. C., to construct a bridge across Kingston Lake, at Conway, S. C., which were, in line 5, to strike out "steel or wood"; in line 6, to strike out "such"; in lines 7 and 8, to strike out "as may be determined by the said board of county commissioners, and approved by the Secretary of War," and insert "suitable to the interests of navigation"; after line 11, to insert:

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. SMITH of South Carolina. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

HOUSE BILLS REFERRED.

The following bills and joint resolution were severally read twice by their titles and referred to the Committee on Commerce:

H. R. 23112. An act to extend the limits of the port of entry of New Orleans, La.;

H. R. 25282. An act to authorize the Union Pacific Railroad Co. to construct a bridge across the Missouri River;

H. R. 26005. An act to provide for the establishment of one life-saving station on the larger of the two Libby Islands, situated at the entrance to Machias Bay, Me.; one life-saving station at Half Moon Bay, south of Point Montara and near Montara Reef, Cal.; one life-saving station at Mackinac Island, Mich.; and one life-saving station at or near Sea Gate, New York Harbor, N. Y., and to provide increased quarantine facilities at the port of Portland, Me.; and

H. J. Res. 210. Joint resolution authorizing the President to appoint a member of the New Jersey and New York Joint Harbor Line Commission.

The following bills were severally read twice by their titles and referred to the Committee on the Judiciary:

H. R. 4718. An act to authorize the use of certain unclaimed moneys now in the registry of the United States District Court for the Northern District of Ohio for the improvement of the libraries of the United States courts for said district; and

H. R. 25342. An act to amend section 90 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, and for other purposes.

The following bills were severally read twice by their titles and referred to the Committee on Indian Affairs:

H. R. 23953. An act to authorize the reservation of land for public purposes in town sites in certain Indian reservations; and

H. R. 25878. An act granting certain lands for a cemetery to the Fort Bidwell People's Church Association, of the town of Fort Bidwell, State of California, and for other purposes.

The following bills were severally read twice by their titles and referred to the Committee on Public Buildings and Grounds:

H. R. 25624. An act providing for the sale of the old post-office property at Providence, R. I., by public auction; and

H. R. 25714. An act to amend an act to increase the limit of cost of certain public buildings, to authorize the enlargement, extension, remodeling, or improvement of certain public buildings, to authorize the erection and completion of public buildings, to authorize the purchase of sites for public buildings, and for other purposes.

The following bills were severally read twice by their titles and referred to the Committee on Public Lands:

H. R. 8151. An act providing for the adjustment of the grant of land in aid of the construction of the Corvallis and Yaquina Bay military wagon road and of conflicting claims to lands within the limits of said grant; and

H. R. 25611. An act to authorize the sale of certain lots in the Hot Springs Reservation for church and hospital purposes.

H. R. 20193. An act authorizing the Secretary of the Navy to pay a cash reward for suggestions submitted by civilian employees of the Navy Department for improvement or economy in manufacturing process or plant was read twice by its title and referred to the Committee on Naval Affairs.

H. R. 24365. An act providing for the taking over by the United States Government of the Confederate cemetery at Little Rock, Ark., was read twice by its title and referred to the Committee on Military Affairs.

H. R. 12813. An act to refund duties collected on lace-making and other machines and parts or accessories thereof imported subsequently to August 5, 1911, was read twice by its title and referred to the Committee on Finance.

H. R. 22200. An act providing for the disposition of effects of deceased patients of the Public Health and Marine-Hospital Service and of certain deceased officers and men connected with the Army was read twice by its title and referred to the Committee on Public Health and National Quarantine.

H. J. Res. 173. Joint resolution providing for an investigation by the Commissioner of Fisheries as to the destructiveness of the method of fishing known as otter and beam trawling was read twice by its title and referred to the Committee on Fisheries.

MISBRANDED DRUGS.

The bill (H. R. 11877) to amend section 8 of the food and drugs act, approved June 30, 1906, was read the first time by its title.

Mr. HEYBURN. I ask that the bill may receive present consideration, if I may do so under the rules.

The PRESIDENT pro tempore. The Senator from Idaho asks unanimous consent for the present consideration of the bill the title of which has just been stated. Is there objection?

Mr. LA FOLLETTE. I should like to hear the bill read first.

Mr. HEYBURN. Yes; let it be read.

The bill was read the second time at length, as follows:

Be it enacted, etc., That that part of section 8 of the food and drugs act of June 30, 1906, defining what shall be misbranding in the case of drugs, be, and the same is hereby, amended by adding thereto a third paragraph to read as follows:

"If its package or label shall bear or contain any statement, design, or device regarding the curative or therapeutic effect of such article or any of the ingredients or substances contained therein, which is false and fraudulent."

So that the said part of said section 8 shall read as follows:

"SEC. 8. That the term 'misbranded,' as used herein, shall apply to all drugs or articles of food or articles which enter into the composition of food, the package or label of which shall bear any statement, design, or device regarding such article, or the ingredients or substances contained therein which shall be false or misleading in any particular, and to any food or drug product which is falsely branded as to the State, Territory, or country in which it is manufactured or produced.

"That for the purposes of this act an article shall also be deemed to be misbranded. In case of drugs:

"First. If it be an imitation of or offered for sale under the name of another article.

"Second. If the contents of the package as originally put up shall have been removed, in whole or in part, and other contents shall have been placed in such package, or if the package fail to bear a statement on the label of the quantity or proportion of any alcohol, morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, or acetanilide, or any derivative or preparation of any such substances contained therein.

"Third. If its package or label shall bear or contain any statement, design, or device regarding the curative or therapeutic effect of such article or any of the ingredients or substances contained therein, which is false and fraudulent."

Mr. HEYBURN. The necessity for it is obvious.

Mr. LA FOLLETTE. I do not object.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LITTLE CALUMET RIVER BRIDGE, ILLINOIS.

The bill (H. R. 26235) to authorize the city of Chicago to construct a bridge across the Little Calumet River, at Indiana Avenue, in said city, was read twice by its title.

Mr. CULLOM. I ask for the present consideration of the bill. There is a Senate bill like it on the calendar.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. CULLOM. I move that the bill (S. 7457) to authorize the city of Chicago to construct a bridge across the Little Calumet River, at Indiana Avenue, in said city, be postponed indefinitely.

The motion was agreed to.

MISSISSIPPI RIVER BRIDGE IN AITKIN COUNTY, MINN.

The bill (H. R. 26099) authorizing the towns of Ball Bluff, Libby, and Cornish, in the county of Aitkin, Minn., to construct a bridge across the Mississippi River in Aitkin County, Minn., was read twice by its title.

Mr. NELSON. I ask unanimous consent for the present consideration of the bill. There is a similar Senate bill on the calendar, and if the House bill shall be passed I shall move the indefinite postponement of the Senate bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. NELSON. I move that the bill (S. 7455) authorizing the towns of Ball Bluff, Libby, and Cornish, in the county of Aitkin, Minn., to construct a bridge across the Mississippi, in Aitkin County, Minn., be indefinitely postponed.

The motion was agreed to.

REDUCTION OF TARIFF DUTIES.

Mr. NEWLANDS. Mr. President, I wish to ask unanimous consent for the consideration of Senate concurrent resolution 29. Before asking it, I wish to make a statement.

I introduced the other day a resolution, which yesterday was turned into the concurrent resolution now lying on our desks, providing for the appointment of a committee by the Senate and one by the House to confer with the President of the United States with reference to the harmonizing of differences which exist as to the reduction of excessive duties. The two schedules with reference to which a reduction in excessive duties is entirely practicable are the wool schedule and the cotton schedule, important schedules, affecting the clothing of the entire people and affecting the cost of living throughout the country.

We have now been in session since December, a period of over seven months. In December the President of the United States presented to Congress the report of the Tariff Board, calling attention to the fact that the facts ascertained by that board justify a reduction in the duties both upon wool and cloths, a reduction which he has recently stated should amount to 20 per cent on wool and from 20 per cent to 50 per cent on cloth.

Later on he presented the report of the Tariff Board upon the cotton schedule, and called attention to the fact that the Tariff Board had made a report which warranted a very material reduction upon yarn, a material which enters into cotton cloth, and also a material reduction on many varieties of cotton cloth. In the message of December upon the wool schedule the President urged the immediate consideration of these reductions by Congress, and upon presenting the cotton report he renewed that recommendation, and in his veto of the wool bill he made the following statement:

I strongly desire to reduce duties, provided only the protection system be maintained, and that industries now established be not destroyed. It now appears from the Tariff Board's report, and from bills which have been introduced into the House and the Senate, that a bill may be drawn so as to be within the requirements of protection and still offer a reduction of 20 per cent on most wool and of from 20 per cent to 50 per cent on cloths. I can not act upon the assumption that the controlling majority in either House will refuse to pass a bill of this kind, if in fact it accomplishes so substantial a reduction, merely because members of the opposing party and the Executive unite in its approval. I, therefore, urge upon Congress that it do not adjourn without taking advantage of the plain opportunity thus substantially to reduce unnecessary existing duties. I appeal to Congress to reconsider the measure, which I now return without my approval, and to adopt a substitute therefor making substantial reductions below the rates of the present act, which the Tariff Board shows possible, without destroying any established industry or throwing any wage earners out of employment, and which I will promptly approve.

Mr. President, the question before Congress is as to whether our action regarding tariff reduction is to be a mere sham, or whether it is to represent the earnest purpose of all those in both Houses who have professed to be for a reduction of the tariff to join in securing any practicable reduction; and the issue before the American people is as to whether the American Congress is engaging in a sham performance regarding the reduction of the tariff or is really in earnest.

The President has differed with both Houses regarding the wool and the cotton schedules. The two Houses, though differing in their political color, have been able to agree upon certain reductions. The President alone disagrees, and stands for his justification upon the Republican platform, which declares for duties that will fairly represent the difference in the cost of production, with a fair profit to the manufacturer added; and his contention is that it is necessary to ascertain this difference

by an inquiry into the facts; that, with the approval of Congress, he has organized a tariff board for that purpose; and that when the facts are presented, he is willing to act. The report of the Tariff Board was doubtless a surprise to him, as it was to many Republicans throughout the country, for a reduction of 20 per cent on wool and a reduction of 20 to 50 per cent on cloth are certainly material reductions. It has been the contention of the Democratic Party that the present tariff was in the main prohibitory; that it was established, not for the purpose of revenue, but for the purpose of protection; and that the wall was raised to such unnecessary height as not only to prevent adequate revenue, but also to enable domestic manufacturers behind the tariff wall, relieved of foreign competition, to combine in such a way as to raise prices to the domestic consumer, and thus oppress the entire consuming public. We have now an opportunity to take the top bricks off this wall and to reduce its height in a considerable degree, and the question is whether we will avail ourselves in a common-sense way of the opportunity which the President offers.

Mr. CUMMINS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nevada yield to the Senator from Iowa?

Mr. NEWLANDS. I do.

Mr. CUMMINS. I do not want to interrupt the Senator from Nevada, but I hope he will remember that I consented to have laid aside the unfinished business only for morning business. Does the Senator seek action upon his resolution at this time?

Mr. NEWLANDS. I do; but I will conclude my statement, I will say to the Senator, in a very few moments.

Mr. CUMMINS. Then, I ask, Is the resolution of the Senator from Nevada morning business?

Mr. NEWLANDS. I did not understand the Senator from Iowa.

Mr. CUMMINS. If the resolution is morning business, then, of course, it is within the order; but if it is not morning business, I can not yield the joint resolution which is now under consideration for a long debate or for action upon any other matter.

Mr. NEWLANDS. I will say to the Senator from Iowa that, of course, I would not take advantage of the courtesy which he has extended to unduly extend my remarks and prevent the consideration of the measure which he has in hand; but, if the Senator has no objection, I should like to hear some expression of sentiment——

Mr. HEYBURN. I call for the regular order; let us find out what it is.

The PRESIDENT pro tempore. The regular order is the unfinished business.

Mr. NEWLANDS. Mr. President, I ask whether the Senator has the right to take me off the floor by a point of that kind? I have the floor. I was about to ask unanimous consent for the consideration of this resolution; but if the other business is so pressing as to make it inconsiderate upon my part now to press the extension of my remarks, I am willing to waive that and to ask unanimous consent for the consideration of the resolution.

Mr. LA FOLLETTE. Mr. President, I rise to a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from Wisconsin.

Mr. LA FOLLETTE. I understood the Senator from Iowa asked that the unfinished business he laid aside for business naturally coming up in the morning known as morning business. I understand that the resolution which the Senator from Nevada is discussing was introduced yesterday and comes up properly under this head, and it seems to me, under the circumstances, he is within the rule in discussing the resolution. I inquire whether that is not so?

Mr. HEYBURN. Mr. President——

The PRESIDENT pro tempore. If the resolution had gone over subject to the call of the Senator, beyond question it would be in order.

Mr. LA FOLLETTE. I understand it did go over——

The PRESIDENT pro tempore. It seems it went to the table at the Senator's request.

Mr. HEYBURN. I did not understand that the unfinished business was temporarily laid aside. That could only be done by a motion. The Senator said he would waive the unfinished business. That does not lay it aside.

The PRESIDENT pro tempore. It can be done by unanimous consent.

Mr. HEYBURN. That is the equivalent of a motion.

Mr. NEWLANDS. Has the Senator from Idaho any objection to the present consideration of this resolution?

Mr. HEYBURN. Yes; I would have serious objection to either its present or future consideration.

Mr. NEWLANDS. The Senator from Massachusetts and the Senator from Utah and the Senator from Idaho all object, I understand, to the consideration of this resolution, which simply enables the Republican Party, upon the recommendation of its President, to carry out the pledges which it has given to revise the tariff according to the rule established by it. Do I understand that to be the position of the Senator from Idaho?

Mr. HEYBURN. Mr. President, I rise to a point of order. If the unfinished business is before the Senate, then only a motion can dispense with it. I do not care to enter into the consideration suggested by the Senator from Nevada until I know whether the unfinished business is before the Senate. I call for the regular order.

The PRESIDENT pro tempore. The regular order is called for. The unfinished business is before the Senate. The Senator from Nevada has the right to discuss the unfinished business in any way he sees proper.

Mr. HEYBURN. Yes; I concede that.

Mr. NEWLANDS. The Senator from Iowa [Mr. CUMMINS] was courteous enough to give way for the purpose of considering——

Mr. HEYBURN. I object.

Mr. NEWLANDS. I now continue, in which I have his consent——

Mr. HEYBURN. Mr. President, I think I can participate in that. I object to the unfinished business being temporarily laid aside at this time.

Mr. CUMMINS. I did not ask that the unfinished business be temporarily laid aside, although that may have been the effect of what I said. I said I yielded for morning business. I am not one of those who are opposed to the resolution of the Senator from Nevada, but I can not allow it, if I can prevent it, to be taken up and thus prevent the consideration of the joint resolution. I would be very glad to secure the consent of the Senate to a time when it could be acted upon.

Mr. NEWLANDS. I ask unanimous consent that this resolution be taken up at the conclusion of the morning hour to-morrow and disposed of to-morrow by final vote.

Mr. CLAPP. There is already a unanimous-consent agreement covering the conclusion of the morning hour.

Mr. NEWLANDS. For what measure?

Mr. SMOOT. Senate bill 957.

Mr. CLAPP. The uniform bill of lading.

Mr. NEWLANDS. Is that likely to take the entire day, I will ask?

Mr. CLAPP. I do not know whether it will take more than a half hour, if it is reached.

Mr. NEWLANDS. I ask that this resolution be taken up immediately after the bill-of-lading bill is disposed of and that it be disposed of on the calendar day to-morrow by vote.

Mr. SMOOT. Mr. President, I object.

Mr. CRAWFORD. The regular order, Mr. President.

LAWTON RAILWAY & LIGHTING CO.

The PRESIDENT pro tempore laid before the Senate the bill (H. R. 26236) conferring upon the Lawton Railway & Lighting Co. the privilege, rights, and conditions heretofore granted the Lawton & Fort Sill Electric Co. to construct a railroad across certain lands in Comanche County, Okla., which was read the first and second times by its title and referred to the Committee on Indian Affairs.

Mr. CLAPP subsequently said: I have authority from the Committee on Indian Affairs, to which this subject belongs, to report the bill favorably, and I therefore ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. CLAPP. I ask leave to have printed in the RECORD following the passage of the bill the report of the House Committee on Indian Affairs accompanying it.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

The Committee on Indian Affairs, having had under consideration the bill (H. R. 26236) conferring upon the Lawton Railway & Lighting Co. the privileges, rights, and conditions heretofore granted the Lawton & Fort Sill Electric Co. to construct a railroad across certain lands in Comanche County, Okla., recommend that it be amended, and that as amended it do pass.

On page 2, line 2, after the word "Oklahoma," strike out the remainder of that line, all of line 4, and the word "mentioned" in line 5, and insert in lieu thereof the following:

"*Provided*, That no rights hereunder shall vest in the Lawton Railway & Lighting Co. until maps of location of the respective portions of the road through the Fort Sill Military Reservation and the lands reserved for Indian school purposes hereafter receive the approval of the Secretary of War and the Secretary of the Interior, respectively."

The bill as amended will read as follows:

"Be it enacted, etc., That the privileges and grants heretofore conferred upon the Lawton & Fort Sill Electric Railway Co., by virtue of the acts of March 28, 1910 (36 Stats., p. 268), and June 22, 1910 (36 Stats., p. 588), to construct and operate a railway, telegraph, telephone, and trolley lines through the Fort Sill Military Reservation and the public lands reserved for Indian school purposes, all in Comanche County, Okla., be, and the same are hereby, conferred upon the Lawton Railway & Lighting Co., a corporation created under and by virtue of the laws of the State of Oklahoma: *Provided,* That no rights hereunder shall vest in the Lawton Railway & Lighting Co. until maps of location of the respective portions of the road through the Fort Sill Military Reservation and the lands reserved for Indian school purposes hereafter receive the approval of the Secretary of War and the Secretary of the Interior, respectively, subject, however, to all the limitations, restrictions, and conditions contained in the said acts: *Provided,* That said Lawton Railway & Lighting Co. shall complete the construction of that portion of its road between Lawton and Fort Sill within two years from the date of the passage of this act."

On March 28, 1910, Congress granted right of way to the Lawton & Fort Sill Electric Railway Co. across certain lands, the act being as follows:

"PUBLIC, No. 111.

"[H. R. 19628.]

"An act to authorize the Lawton & Fort Sill Electric Railway Co. to construct and operate railway, telegraph, telephone, and trolley lines through the Fort Sill Military Reservation, and for other purposes.

"Be it enacted, etc., That the Lawton & Fort Sill Electric Railway Co., a corporation created under and by virtue of the laws of the State of Oklahoma, be, and the same is hereby, empowered to survey, locate, construct, maintain, and operate railway, telegraph, telephone, and trolley lines through the Fort Sill Military Reservation, in Comanche County, State of Oklahoma, upon such terms and in such location as may be determined and approved by the Secretary of War.

"SEC. 2. That said corporation is authorized to occupy and use for all purposes of railway, telegraph, telephone, and trolley lines, and for no other purpose, a right of way 50 feet in width through said Fort Sill Military Reservation, with the right to use such additional ground where cuts and fills may be necessary for the construction and maintenance of the roadbed, not exceeding 100 feet in width, or as much thereof as may be included in said cut or fill: *Provided,* That no part of the land herein authorized to be occupied shall be used except in such manner and for such purposes as shall be necessary for the construction and convenient operation of said railway, telegraph, telephone, and trolley lines; and when any portion thereof shall cease to be so used such portion shall revert to the United States: *Provided further,* That before the said railway company shall be permitted to enter upon any part of said military reservation a description by metes and bounds of the land herein authorized to be occupied or used shall be approved by the Secretary of War: *Provided further,* That the said railway company shall comply with such other regulations and conditions in the maintenance and operation of said road as may from time to time be prescribed by the Secretary of War.

"SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

"Approved, March 28, 1910."

On June 22, 1910, Congress granted to same company right of way across certain reserved public lands. The act is as follows:

"PUBLIC, No. 236.

"[H. R. 24939.]

"An act to authorize the Lawton & Fort Sill Electric Railway Co. to construct and operate a railway through the public lands reserved for Indian school purposes, of township 2 north, range 11 west, Indian meridian, Comanche County, Okla., and for other purposes.

"Be it enacted, etc., That the Lawton & Fort Sill Electric Railway Co., a corporation created under and by virtue of the laws of the State of Oklahoma, be, and the same is hereby, empowered to survey, locate, construct, maintain, and operate a railway, telegraph, telephone, and trolley lines through the public lands of township 2 north, range 11 west, Indian meridian, in Comanche County, State of Oklahoma, upon such line or lines as may be determined and approved by the Secretary of the Interior.

"SEC. 2. That said corporation is authorized to occupy and use for all purposes of railway, telegraph, telephone, and trolley lines, and for no other purpose, a right of way 50 feet in width through said public lands, reserved for Indian school purposes, with the right to use such additional ground where cuts and fills may be necessary for the construction and maintenance of the roadbed, not exceeding 100 feet in width, or as much thereof as may be included in said cut or fill: *Provided,* That no part of the land herein authorized to be occupied shall be used except in such manner and for such purposes as shall be necessary for the construction and convenient operation of said railway, telegraph, telephone, and trolley lines; and when any portion thereof shall cease to be so used such portion shall revert to the United States: *Provided further,* That before the said railway company shall be permitted to enter upon any part of said public lands a description by metes and bounds of the land herein authorized to be occupied or used shall be approved by the Secretary of the Interior: *Provided further,* That the said railway company shall comply with such other regulations and conditions in the maintenance and operation of said road as may from time to time be prescribed by the Secretary of the Interior.

"SEC. 3. That the right to alter, amend, or repeal this act is hereby expressly reserved.

"Approved, June 22, 1910."

The original company constructed a portion of the line, but on account of financial difficulties, consisting of lack of or exhaustion of funds, had their full rights terminated by an order of sale from the court.

The Lawton Railway & Lighting Co., a newly organized Oklahoma corporation, acquired the property and are now ready, able, and willing to complete the line. The two Government departments affected are both desirous of having the new company have the right of way, but hold they are technically without power to grant the right of substitution.

Both departments present to the committee strong letters of indorsement of the measure, the same being unanimously reported by the committee. It merely grants to the new company the right to do, subject to all conditions, the same thing the original company had power to do.

It is beneficial to the Indian school faculty and patrons, which is about halfway between Lawton and Fort Sill.

It is beneficial to the War Department, as it affords the fort people and Lawton people transportation back and forth, a distance of 6 miles.

It is, of course, beneficial to Lawton to have a car line, as the line will, in all probability, not be a paying proposition if it is confined to the city streets in a town of eight or ten thousand inhabitants.

The city has voted the required franchise, the new company on the ground and ready to build, the acts are safeguarded by every safeguard that the two departments and the committee could conceive. The enactment of the bill benefits all concerned and enables them to have car service that could not otherwise be acquired. The letters of the two departments are as follows:

DEPARTMENT OF THE INTERIOR,
Washington, August 14, 1912.

Hon. JOHN H. STEPHENS,
Chairman Committee on Indian Affairs,
House of Representatives.

SIR: I have the honor to acknowledge receipt of your communication dated August 13, 1912, transmitting for report a copy of H. R. 26236, Sixty-second Congress, second session. The purpose of the bill is to confer upon the Lawton Railway & Lighting Co., a corporation of Oklahoma, all the privileges and grants heretofore conferred upon the Lawton & Fort Sill Electric Railway Co. by the acts of March 28, 1910 (36 Stat. L., 268), and June 22, 1910 (36 Stat. L., 588).

The act of March 28, 1910, supra, granted the Lawton & Fort Sill Electric Railway Co. the right of way across the Fort Sill Military Reservation, which is under the jurisdiction of the War Department, and you say in your letter of August 13 that a copy of H. R. 26236 has been referred to the Secretary of War for his report.

The act of June 22, 1910, supra, authorized the Lawton & Fort Sill Electric Railway Co. to construct and operate a railway through certain public lands reserved for Indian-school purposes in T. 2 N., R. 11 W. It appears from the records in the case that the Lawton & Fort Sill Electric Railway Co. became bankrupt and that its tangible property, with all its rights under the State law, passed by judicial sale to M. A. Wert, who proposed to sell and transfer to B. R. Stevens and associates, who, it is understood, represent the Lawton Railway & Lighting Co., and propose to convey such rights as they have acquired to that company. The Lawton Railway & Lighting Co. in last June requested that it be recognized as the successor to the Lawton & Fort Sill Electric Railway Co. and filed maps in an attempt to comply with the provisions of the act of June 22, 1910, supra. The department concluded, after investigation of the matter, that no right could be recognized in the Lawton Railway & Lighting Co. to the franchise granted by Congress to the Lawton & Fort Sill Electric Railway Co., and that as the grantee company had become insolvent and incapable of constructing and maintaining the road no action could be taken under the act.

The correspondence in the record shows that the construction of the proposed road would be of benefit to the public, and the department knows of no reason why the rights and privileges conferred upon the Lawton & Fort Sill Electric Railway Co. should not be granted to the Lawton Railway & Lighting Co., the successor to the former company.

It is reported, however, that without previous departmental approval of location the old company proceeded to grade a line of road through the land reserved for Indian-school purposes. It may be, therefore, that without limitation approval of the present bill would commit the department to the location heretofore taken without departmental approval. To the end that there may be no misunderstanding and that the rights of the Government may be protected, I would suggest the addition of the following proviso:

"*Provided further,* That no rights hereunder shall vest in the Lawton Railway & Lighting Co. until maps of location of the respective portions of the road through the Fort Sill Military Reservation and the lands reserved for Indian-school purposes hereafter receive the approval of the Secretary of War and the Secretary of the Interior, respectively."

With this modification I recommend that the bill be passed.

Very respectfully,

WALTER L. FISHER, *Secretary.*

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WAR DEPARTMENT,
Washington, August 13, 1912.

CHAIRMAN COMMITTEE ON INDIAN AFFAIRS,
House of Representatives.

SIR: I have the honor to return herewith House bill 26236 (62d Cong., 2d sess.), being a bill to confer upon the Lawton Railway & Lighting Co. the privileges and grants heretofore conferred upon the Lawton & Fort Sill Electric Co. by acts of March 28, 1910 (36 Stat., 368), and June 22, 1910 (36 Stat., 588), to construct and operate railway, telegraph and telephone, and trolley lines through the Fort Sill Military Reservation and the public lands reserved for Indian-school purposes in Comanche County, Okla.

The bill recites that the Lawton Railway & Lighting Co. is the successor in interest, through purchase under foreclosure sale, of the property and rights of the Lawton & Fort Sill Electric Railway Co., and makes the confirmation of the rights granted by said acts subject "to all the limitations, restrictions, and conditions" contained therein, and provides further that the Lawton Railway & Lighting Co. "shall complete the construction of that portion of its road between Lawton and Fort Sill within two years from the date of the passage of this act."

The provisions of the bill are regarded as fully protecting the interests of the Government, and the road will benefit the Government by furnishing convenient means of transportation for the officers and enlisted men and other residents on the Fort Sill Military Reservation. The passage of the bill in its present shape is therefore recommended by this department.

Very respectfully,

HENRY L. STIMSON,
Secretary of War.

WITHDRAWALS OF CERTAIN PUBLIC LANDS.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 5679) to amend section 2 of an act to authorize the President of the United States to make withdrawals of public lands in certain cases, approved June 25, 1910, which were on page 1, line 10, after the word "to" to insert "metalliferous"; on the same page, line 11, to strike out "other than coal, oil, gas, phosphates, potash, and nitrates"; and on page 3, line 1, after "of" to insert "California."

Mr. SMOOT. I move that the Senate concur in the amendments of the House of Representatives.

Mr. HEYBURN. I should like to have an opportunity to examine the changes so as to determine the effect upon mineral lands——

Mr. SMOOT. Will the Senator from Idaho allow me to state them?

Mr. HEYBURN. Yes. I would be very glad to have the Senator state them.

Mr. SMOOT. The section as amended reads as follows:

SEC. 2. That all lands withdrawn under the provisions of this act shall at all times be open to exploration, discovery, occupation, and purchase, under the mining laws of the United States, so far as the same apply to metalliferous minerals—

Striking out these words:

Other than coal, oil, gas, phosphates, potash, and nitrates.

I understand the amendment inserting "metalliferous" was offered by Congressman MONDELL in the House and was agreed to.

Mr. HEYBURN. That was stricken out. Is the word "metalliferous" a substitute—a new word?

Mr. SMOOT. A new word; and then the words stricken out are—

other than coal, oil, gas, phosphates, potash, and nitrates.

So that the bill will read this way:

That all lands withdrawn under the provisions of this act shall at all times be open to exploration, discovery, occupation, and purchase under the mining laws of the United States, so far as the same apply to metalliferous minerals.

In other words, no matter what lands are withdrawn they are at all times open to exploration, discovery, occupation, and purchase under the mining laws of the United States, so far as they apply to metalliferous minerals; and I believe that is what the Senator desires.

Mr. HEYBURN. Yes; I offered the amendment. But the word "metalliferous" is so indefinite and such an unusual word to use I presume the courts will have to deal with it. It should have been the usual language that we use—precious or valuable metals or minerals. But here is the term "metalliferous minerals." What other minerals are there than "metalliferous minerals"?

Mr SMOOT. Oil, for instance.

Mr. HEYBURN. Oil is not a mineral. It is a mineral oil.

Mr. SMOOT. It has been so held. So with gas. We simply strike out the words "other than coal, oil, gas, phosphates, potash, and nitrates" and put in "metalliferous minerals"; and I believe that is exactly what the Senator from Idaho wanted.

Mr. HEYBURN. It depends upon the construction that is put upon it. It is an involved, uncertain term. The language of the bill as we passed it was certain, definite. Of course, I am not going into a criticism of the intelligence of those who have undertaken to amend it.

Mr. SMOOT. There is another amendment to which I wish to call the Senator's attention. The bill reads:

And provided further, That hereafter no forest reserve shall be created, nor shall any additions be made to one heretofore created, within the limits of the States of—

Here is added "California"—

the States of Oregon, Washington, Idaho, Montana, Colorado, or Wyoming, except by act of Congress.

That is the present law, with California added.

Mr. HEYBURN. I congratulate California that it has entered into that limitation.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Utah, that the amendments of the House of Representatives be concurred in.

The motion was agreed to.

HOUR OF MEETING TO-MORROW.

Mr. SMOOT. I move that when the Senate adjourns to-day it be to meet to-morrow at 11 o'clock.

The motion was agreed to.

THE PRESIDENTIAL TERM.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. J. Res. 78) proposing an amendment to the Constitution of the United States.

Mr. BORAH. Mr. President, I hesitate to undertake the discussion of a matter of this importance at this late hour of the session. If I were voting favorably to the proposed amendment I should not do so. But as I am opposed to the joint resolution, and as it is said there is a widespread popular demand for it, the burden is perhaps upon those who vote against it to show some reasons for their vote.

I recognize the force of the argument of the Senator from Iowa [Mr. CUMMINS], that such matters are entitled to submission, and that the people are entitled to vote on the question whether or not they desire to amend the Constitution. While I do not favor the resolution, I do not propose to longer delay the matter than to state some of the reasons why I can not favor it. I do not believe it the duty of a Senator who is opposed to a resolution of this nature to vote for it, but I do believe it is the duty to permit such things to come speedily to a vote, so that if the required vote can be had it may be submitted.

The joint resolution, Mr. President, presents but one question, and that is as to the eligibility of the Presidency to one term of service. The kindred question of a third term will naturally intrude itself into the discussion, and has already to some extent done so, but it really has no part in the consideration of the matter now before the Senate.

The sole and simple question is whether or not we will amend the Constitution so as to prevent a second term—so as to limit the eligibility to a single term. There is one respect, however, in which the two questions are allied in my conception of the situation.

One of the fundamental reasons for opposing the joint resolution on my part is that the people who could be trusted to determine whether or not they desire a President for the second term may also be trusted to determine whether or not they desire a President for a third term. I think they can be trusted to settle both questions in a way to best conserve the interest of the people and the Republic.

In other words, in so far as both these propositions rest upon the general proposition that the judgment of the voters must at last determine what is for the best interests of the Republic, in so far as that question inheres in both propositions they are allied, but I do not propose to follow the discussion of the latter proposition any further.

Mr. President, what does this resolution propose to do? It proposes that if a man is a dangerous President, a weak President, or pursuing a policy detrimental to our welfare, to continue the time in which he shall be an infliction, a detriment, to the country. If he is a wise President, one whose services are invaluable to his countrymen, it proposes to make his continuance in the service impossible. If he is a bad President, we are to have more of him than we have now. If he is a good and a great President, we are to have less of him than we have now. If he is a bad President, we are to be deprived of the power to condemn him. If he is a good President, we are to be prohibited from rewarding him. The faithful and the unfaithful servant have the same term of service, the same reward, and the same judgment at the hands of the people. Does this rule prevail anywhere else in the universe, in the realm of nature, or in the world of human endeavor? Is there anywhere to be found in the practical and everyday world such a principle as this? Does not the business world avail itself of experience, of honesty, of ability? Do the great business concerns provide in their charter that their presidents and managers shall not be subject to reelection on the theory that the stockholders may not know their worth? Why do we apply this rule in a Republic in government unless it be that in the last analysis we have arrived at the conclusion that the people possess not the wisdom to select the wise or condemn the unwise; unless it be that we have concluded the people are unable to know and unfit to determine when it is to the interests of the public to discontinue a man in the public service.

If we believe that the people have the capacity to judge of a man's worth, of his intelligence, of his integrity, of his ability, we will not be uneasy when they come to pass judgment. If we have a lingering belief that the people are unfit to perform this service, we will naturally be vigilant to guard against their performing it.

Now, we may argue to ourselves that business is the real reason for the lengthening of the term, but what has business to do with the question of ineligibility? There might be some argument from a business standpoint if we were willing to yield governmental interests to business which would justify the lengthening of the term, although in that I do not believe, yet that does not reach the proposition of ineligibility. Ineligibility, in my judgment, has its real foundation in the fear that the people may not act wisely and may not have the ability and courage to reject bad men.

At the basis of the proposition lies the question whether or not the majority of the voters of the United States are going to exercise this power in a way that we may conceive to be in the interest of the Republic. I know that there are many reasons which are stated, and strongly stated, why this amendment should prevail, but it seems to me at the basis of the entire argument rests at last the question of our faith in the judgment of the great tribunal which must always determine these matters.

The Senator from Iowa [Mr. CUMMINS] said upon yesterday that he would not be quite willing to accept the judgment of those who framed the Constitution as to what should at this time constitute a part of our fundamental law, because of the fact that the changes which have taken place are such changes as they could not have foreseen and against which they could not have guarded. For that reason the judgment of the present should be accepted as more conclusive than the judgment of those who framed the Constitution.

Generally speaking, there is a great deal in that statement, and I presume it has some element of truth in it under almost all conditions which may arise with reference to changes in the Constitution.

But there are certain general principles which were enunciated by those who framed this instrument with reference to this particular matter which are entitled to consideration, because conditions have not changed those principles.

Therefore, with some reluctance on account of time, I want to discuss briefly the views of the fathers upon this particular question. I think the reasons which actuated the fathers in framing this measure as they did have been misunderstood. I am led to that statement by reason of the statement made by the distinguished Senator from Mississippi [Mr. WILLIAMS] yesterday to the effect that as Gen. Washington was expected to be the first President, it was thought that he would establish a precedent and that the future would follow the precedent; that therefore the question of the ineligibility was not incorporated into the Constitution. I do not read history in that way. In fact, I have never found any suggestion of that kind at any time in the history of those days.

I am not going into this extensively, but it could be easily shown some of those who now cite Gen. Washington's attitude as the proper one would not have in advance of his action considered him as the proper man to establish a precedent with reference to these matters. They looked upon him as monarchial in his tendencies and as disposed rather to take unto himself power than to reject the opportunity to exercise power.

Mr. Randolph submitted to the Constitutional Convention a proposition providing for a Presidency for a blank term of years, and that the President should be ineligible.

Mr. Pinckney submitted a proposition to the convention providing for a Presidency for a term of blank years and providing that the Presidency should be a reeligible office.

Mr. Patterson's proposition, which was nothing more than a proposition to enlarge and increase the powers of the Confederacy, did not cover the subject at all.

Mr. Hamilton submitted a proposition providing for a Presidency during good behavior. He afterwards, upon more mature reflection, changed his mind and came to be a powerful advocate of a short term, with power upon the part of the people to reelect.

We have, therefore, these three propositions which went into the convention and were discussed. There were few questions discussed more extensively than this very question. It came up repeatedly in the convention. At one time you will remember that they determined to have three Presidents selected from three portions of the country. At another time it was proposed that no President should succeed himself within the limit of 12 years. Finally the convention agreed upon the proposition that the term should be for seven years and the President should not be reeligible. This matter received the attention of the convention for a time, but at the time that this proposition was before the convention the method of electing the President was by the Congress of the United States or by the legislature. It is interesting to note that the argument against the reeligibility was based upon the fear of an intrigue possibly between the Legislature and the Presidency. It was thought that by or through intrigue between these two departments of government the President might be continued in office for an improper length of time.

At the time that this matter was under discussion in the convention and when they had agreed upon the proposition that the Presidency should not be a reeligible office, they had agreed, I say, upon the proposition of selecting the President through the Congress. It was believed that a combined intrigue between the legislative department and the Presidency might lead to the continuation of that office to an undue length of time, and without an opportunity for the intervening power of the people in regard to it. The matter went to the committee that was to give final form to the Constitution. This committee conceived the plan of selecting the President through the electoral college, taking it away from the Congress and leaving it indirectly to selection by the people, at least separating the legislative and the executive department with reference to the election.

I think I am perfectly safe in saying that, after the plan of the selection of the President was determined upon as we finally found it in the Constitution—through electors—the proposition of limiting it to a single term no longer received any considerable support in the convention; that after they had eliminated the possibility of intrigue between the two departments it was not urged, and with the exception of two individuals in the convention, I have never been able to find that it was even discussed or mentioned thereafter. I believe that we must come to the conclusion from the convention proceedings that they never contemplated limiting it to a single term after the electoral college was planned. We find, therefore, from the proceedings of the convention that this question was thoroughly discussed, and that, after a full discussion and the electoral college was conceived of, it was finally rejected. Roger Sherman, in discussing the matter before the convention, said:

> If he behaves well he will be continued. If otherwise, he will be displaced on a succeeding election.

Gouverneur Morris, speaking on the same subject, said:

> To forbid reelection tended to destroy the great motive to good behavior—the hope of being rewarded by reappointment. It was to say to him, "Make hay while the sun shines."

We may hesitate to admit that ineligibility tends to destroy a great motive to good behavior, but it is truth worth observing, nevertheless. It is one of those great truths which will always be denied as applying to a particular individual, but does apply to all men with varying force and effect.

Mr. King said:

> He who has proved himself most fit for an office ought not to be excluded by the Constitution from holding it.

It seems that in that brief sentence there is a great deal worthy of our consideration. If a President has proved himself peculiarly capable of discharging the duties of this high office, has disclosed the judgment, the poise, and the patriotism which we are always anxious to note in the discharge of these duties, it would seem that there would be no necessity for making it impossible for him to continue in the service for such time as the judgment of the great mass of the people thought proper. It is not often that fitness and efficiency are condemned by laws and constitutions. It would seem that unless there be a fear that the people may be unable to determine the question of fitness and efficiency there could be no occasion for this amendment.

Mr. WILLIAMS. Mr. President——

The PRESIDING OFFICER (Mr. SMITH of Michigan in the chair). Does the Senator from Idaho yield to the Senator from Mississippi?

Mr. WILLIAMS. I should like to ask the Senator from Idaho a question.

Mr. BORAH. I yield.

Mr. WILLIAMS. If this amendment were submitted to the people and if they adopted it would not that be the result of the judgment of the great mass of the people, and not only the result of the judgment of a majority but of the people in three-fourths of the States? In other words, does not the Senator think that it is a little bit unfair to argue this question as if some extraneous force was limiting the power of the people, instead of the people themselves limiting their own power, especially in view of the fact that all that is now sought is to submit the question to the people to see whether or not by the votes of a majority of the people of three-fourths of the States they are willing to bind their own hands in their own interest?

Mr. BORAH. Following the example of my illustrious friend, the Senator from Mississippi, who submitted a great many reasons why the people should adopt it, I am to-day submitting some reasons why they should not, both of us being perfectly willing to abide by that judgment when it shall have been rendered. I am quite willing, when I have expressed my views, that a vote of the Senate shall be had. I do not believe in resorting to any unreasonable methods to prevent submission. If the vote is here to submit it, well and good. I shall with confidence await the judgment of the people.

Mr. WILLIAMS. I understand that perfectly. Nor does my question go to that nor does it go to any impugnment, of course, but, it seems to me, that the spirit of the Senator's argument is as if the people were being bound somehow not to exercise their will, and as if, in making that argument, he had forgotten to mention that the people could not be bound at all except by their own voices. You might say that the people were bound by the Bill of Rights in the Constitution, and they are; but it was a self-binding Bill of Rights, which they themselves adopted in order to keep themselves in moments of public excitement and passion and prejudice from doing things that they knew beforehand, in their cooler moments, would be unjust things to do. All we are asking here is that they should be given an opportunity to say beforehand that there is a given thing that

they beforehand, in their cooler moments, would regard as a dangerous liberty for them themselves to have. They will be left the judges of it.

Mr. BORAH. Mr. President, there is no question but that the people are at last to determine this matter, and the Senator from Idaho is quite willing that the people shall determine it. The Senator from Idaho has no disposition whatever to prevent the people passing upon this question, but this is the occasion and now is the time for the Senator from Idaho to express his views in regard to it. I do not understand that a Senator is expected to waive his convictions. He must vote his honest convictions. Any other theory would establish the fact that constitutional amendments are founded in the stultification of the Senate. The very fact that a certain vote is required implies that men will vote their views.

Mr. WILLIAMS. I understand that; but I thought the Senator from Idaho to be arguing at one and the same time against the people adopting it and against the Congress submitting it.

Mr. BORAH. The Senator from Mississippi has not heard the Senator from Idaho state anything against the submission of it. I am arguing against the merits of the proposition.

Mr. WILLIAMS. Then the Senator from Idaho is for the passage of the joint resolution through the two Houses?

Mr. BORAH. I am for giving the people the opportunity to vote upon it when the plain terms of the Constitution have been complied with.

Mr. WILLIAMS. In other words, you would vote as a Senator to submit the amendment?

Mr. BORAH. No, I will not; because I would thereby indorse the resolution upon its merits. But I stand ready to consent that a vote be taken.

Mr. WILLIAMS. Oh, but meanwhile by your individual vote you will vote against giving the people the opportunity to pass upon it?

Mr. BORAH. Well, Mr. President, I am one of the people, and I am casting my vote against the joint resolution.

Mr. WILLIAMS. But surely the Senator does not contend——

Mr. BORAH. I was sent here to exercise my judgment. If I make a mistake, the people will shortly send some one in my place, who will, according to the doctrine of the Senator from Mississippi, have no opinion and will exercise no judgment.

Mr. WILLIAMS. Of course, but naturally the Senator does not contend that when he casts a vote as a Senator he is merely casting a vote as one of the people. Surely the Senator will not contend that the fact that he is opposed to a certain amendment to the Constitution is a good, a sufficient, a valid reason why he should not submit it to the States to be voted upon.

Mr. BORAH. I am not willing, Mr. President, to appear to vote in favor of a proposed amendment in which I do not believe; but if the required number of the Senate are in favor of it, they are entitled to submit it, and I will not delay the submission of it longer than to submit a few remarks.

Mr. WILLIAMS. Except by one vote.

Mr. BORAH. Except by one vote, which represents my convictions with regard to it. We certainly have some duty to perform here in regard to it, because the Constitution of the United States makes it necessary to have a two-thirds vote. That assumes that the Senators will represent their views as to a proposed constitutional amendment. I do not believe that a Senator is to be charged with rejecting the proposition that the people should pass upon it simply because he can not bring himself to indorse the proposition which is included in the resolution.

Mr. WILLIAMS. Now, if the Senator will pardon me just once more——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Mississippi?

Mr. BORAH. I am very glad to be interrupted.

Mr. WILLIAMS. Undoubtedly, we have here a responsibility to discharge, a burden of public duty to carry, a question to ask ourselves and to answer, but that question is not the question as to whether or not the States should adopt a given amendment; it is a question as to whether or not we should submit to the States a given amendment.

Mr. BORAH. If the Senator from Mississippi——

Mr. WILLIAMS. That is the question with which we are faced.

Mr. BORAH. Will the Senator from Mississippi——

Mr. WILLIAMS. If the Senator will pardon me just a moment, if I am not mistaken, he and I not long ago stood together upon a proposition in which that very distinction was made. I was very much opposed to the question of the recall of all officers, including even judges, but I was called upon to vote as to whether or not we should admit the State of Arizona with a constitution including that provision. I took the position that, while my own judgment was against it, it was a question for the people of Arizona to decide. And now, in this matter, unless I thought it of such magnitude and danger and vital importance morally and as affecting the independence of the Nation, I think I would solve every doubt in favor of permitting the people of the States in their conventions and assemblies to themselves pass upon the question.

Mr. BORAH. I think the Senator is quite correct when he says that the doubt should be resolved in their favor; but in view of the fact that the Constitution provides that a certain vote shall be required to submit a constitutional amendment, it must necessarily be considered that Senators will exercise their judgment upon that proposition. The remedy for the situation for which the Senator speaks is an easier method of amending the Constitution and not in the violation of the present Constitution and the compromise of your convictions.

Mr. WILLIAMS. Yes; but upon the proposition of submission, not necessarily upon the merits of the proposition itself or the amendment itself.

Mr. BORAH. I said when I opened my argument that as the burden seemed to be upon me, as I was opposing what seemed to be a popular demand, I wanted to state my reasons for the position which I took. I agree with the Senator that no unnecessary delay nor no unnecessary obstacle should be put in the way of the people voting upon this matter, because they determine it at last, but I have never thought—I did not think so when I had charge in the Senate of the joint resolution with reference to the election of Senators by popular vote—that those who were opposed to it owed anything more than to permit it to come to a vote. I think to stand here and to object to a vote would be to disregard your duty, but I do not concede that it would be a disregard of your duty to announce your views and to vote in accordance with your views. I do not know of any other way to vote. The course which the Senator suggests would be weak if not cowardly.

Mr. BRISTOW. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Kansas?

Mr. BORAH. I do.

Mr. BRISTOW. If the position which the Senator from Mississippi [Mr. WILLIAMS] seems to take, and which the Senator from Iowa [Mr. CUMMINS] seemed to take yesterday, to the effect that it was the duty of a Senator to vote to submit any proposed constitutional amendment to the people for them to determine is the correct one, why should there have been any limitation as to the number of votes required before it could be submitted? It takes a two-thirds vote to submit an amendment for ratification.

Mr. BORAH. Or why should it come here at all?

Mr. BRISTOW. Yes.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Iowa?

Mr. BORAH. I do.

Mr. CUMMINS. I do not want to be misunderstood in regard to the matter suggested by the Senator from Kansas. Undoubtedly the men who made the Constitution of the United States intended that no amendment should be submitted to the people of the country unless it received the approval of two-thirds of the Members of Congress; and it has been the practice for years and years that anywhere from 20 to 30 men in the Senate could prevent the submission of a proposed amendment to the Constitution to the people. As it is now, the negative votes of 33 Senators, if all Senators who are entitled to seats were in their seats, could prevent 20,000,000 men voting their wishes with regard to a constitutional amendment; and, as the Senate is now decimated, 20 men in the Senate can prevent these millions of people from expressing their views.

I agree with the Senator from Kansas that literally the Constitution requires what he says; but I have thought that the development of modern times had rather pointed to the conclusion that the real question was whether the amendment was one to be supported by so fair a proportion of the people that we ought to give them the opportunity to vote on it, and that 20 men here, if they knew that nine-tenths of the people of this country wanted a chance to vote upon a given proposition, ought not to interpose their adverse conclusions in regard to it.

Mr. BRISTOW. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Kansas?

Mr. BORAH. I yield.

Mr. BRISTOW. On the proposition that if 20 Senators believed that nine-tenths of the people wanted to vote on a constitutional amendment they would not be justified in preventing them, I entirely agree with the Senator from Iowa; but I do not believe that one-tenth of the people want to vote on this proposition.

Mr. CUMMINS. If the Senator from Kansas puts his vote upon that belief, no man can quarrel with him. That is simply the ascertainment of a question of fact. I have believed that a very much larger proportion of the people desire a chance to vote upon this proposed amendment to the Constitution.

Mr. BORAH. I think the discussion which has just arisen may all be gathered around the question which is now being agitated of a more easy method of amending the Constitution; but the fact that we have the Constitution as we have it certainly puts upon a Senator the duty of examining for himself the question of whether or not he is in favor of a proposed constitutional amendment.

I am so far a believer in the doctrine which the Senator from Iowa states that, as I have said, I would not stand in the way for a moment of having a submission of a proposed amendment whenever the constitutional majority in Congress is to be found; but I do not know how a Senator could justify himself, under the Constitution, in voting in favor of the submission of a constitutional amendment in which he did not believe, for the reason that his vote not only carries with it the question of the mere submission, but it must necessarily carry with it the indorsement of the proposition. The most a Senator can do is to say that there shall be no opposition which extends further than the expression of his views and his vote.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Iowa?

Mr. BORAH. I yield.

Mr. CUMMINS. I formerly was of the same opinion as the Senator from Idaho, but I want to give him an instance which arose in my State, and I should like to have his judgment with regard to the duty of a member of the legislature upon the problem presented.

In 1882 there was submitted to the people of Iowa a proposed amendment to the constitution establishing general prohibition against the sale of intoxicating liquors. It was carried by more than 30,000 majority. It was afterwards set aside by the supreme court of the State because it had not been adopted in accordance with all the forms required by the constitution. From that time until now there has been a constant endeavor to secure the submission of another amendment of a similar character. I think no one doubts that upon its submission it would be adopted.

Does the Senator from Idaho believe that if he were a member of the general assembly he ought to refuse to submit such an amendment for the action of the people if he himself did not believe in general constitutional prohibition?

Mr. BORAH. If the Senator asks how I would vote upon the proposition, I will say I would vote against the submission of it if I were against the proposition; but I would say to the people, "You made this constitution. The constitution of your State requires so many members of the legislature to agree to the submission of an amendment. That is necessarily a suggestion that those members are to exercise their judgment in regard to it. You can either change the constitution and take it in your own hands or limit the number necessary to vote for its submission." The people made this Constitution. They said there should be a certain vote. That necessarily implies that a Senator will exercise his judgment. Into that judgment will enter not only the question whether this is the proper time for such a measure, whether it is favored by a sufficient number, but the question whether or not it is a proposition in which the individual legislator believes.

But I look upon this as somewhat different from the ordinary measure. This is one of the cases in which the referendum has always been recognized as a fundamental principle, and I think there should be no obstruction whatever to a vote. I am in favor of taking a vote as soon as as we can express our views. I want to say, furthermore, that there is not the slightest indication that I have observed of preventing a vote.

Mr. McCUMBER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from North Dakota?

Mr. BORAH. I yield.

Mr. McCUMBER. The Senator from Idaho is approaching a very interesting phase of this whole question, and that is the duty of a Senator in reference to the matter of the submission to the people of his own State of a constitutional amendment. I should like to have his view, and have it rather clearly, because his present view seems to me, if I may be allowed to say so, somewhat inconsistent with the argument at least that was made by the Senator upon the question of the submission of the amendment for the election of United States Senators by popular vote.

If I correctly understood the argument of the Senator, it was one of his chief propositions—and to me a very strong argument—that when any considerable portion of the people of the United States were in favor of the submission of that question to them, then, as representatives of the people, the Senators here ought to vote for what the people wanted; that they occupied a position not merely of exercising their own judgment, but the position of expressing the matured judgment of their own constituents; and if a subject had been so considered by the public, and after due consideration the public arrived at a conclusion, and that conclusion was in favor of the submission, it then became the duty of the Members of the Senate, representing those people, to submit it.

I was very much impressed with the Senator's argument upon the other proposition; in fact, I followed it, because I believed it was the correct proposition. I myself did not believe that the popular election of United States Senators would be beneficial in the long run to the people of the United States, but I did believe that for some 80 years nearly the people have been agitating the subject, and I believe that the vast majority of the people who had considered it were in favor of it, and I felt it was my duty, inasmuch as the people favored it, after proper consideration, to surrender my own views to their judgment and allow them to have the right to vote on it.

Now, getting this whole matter into one general proposition, it is this: Suppose the Senator believed that three-fourths of the people of the United States were in favor of a single term for President, but the Senator himself believed, representing his own conviction, that he should have as many terms as the people saw fit to elect him, would the Senator contend here that his duty under the Constitution would be to vote his own convictions and prevent such an amendment going to the people, even though he believed a vast majority of the people favored it?

Mr. BORAH. I am not conscious of any inconsistency between the position I now occupy and the one I occupied in reference to the submission of the joint resolution. There were, as the Senator well knows, some very strong manifestations of a filibuster against coming to a vote upon that question at all. I made no appeal to the Senate at any time for any Senator to waive his judgment when he came to cast his vote, but I did appeal to Senators to give me a vote upon the subject and to test the question whether or not we had the requisite number in this body to send it to the people. If we did have, I contended the people were entitled to it and entitled to pass upon it.

I think if the Senator will review the remarks I made he will find that I went no further than to ask for a vote upon the matter, and that is, I think, the full extent of any argument I have ever made here. At this time there is no delay that I know of. This matter is coming up at this late day, and there have been only one or two speeches made upon it and those were made by Senators who were in favor of it. Can it be said that those who have expressed their views upon the merits of the joint resolution and in favor of it are delaying it? The time has principally been occupied by those who are in favor of it.

Now, then, a word further.

Mr. McCUMBER. Mr. President——

Mr. BORAH. Just a word further. If I understand correctly my duty here, if I believed that this constitutional amendment was not a thing which the Republic ought to have in its fundamental charter, I hope I would have courage enough to vote against it if every man, woman, and child in the United States was in favor of it. But I would turn about and assist those people in making it possible for them to get an easier method by which to submit such a proposition. But so long as they have written into their fundamental law that it shall require two-thirds, I assume that they intend that those men who represent them in the Senate shall exercise their judgment and, when two-thirds are required to submit it and that two-thirds are forthcoming, to submit it; and when not, not to submit it. I have never claimed that Senators should sacrifice their convictions. I do not I trust belong to that class of public servants, but did claim most earnestly that we were entitled to a vote. I hold now that the Senator in charge of this resolution is entitled to a vote.

Mr. McCUMBER. But the real answer I wish from the Senator, if he will allow me, is to the single proposition whether the Senator, as a progressive Republican, is in favor of allowing the people an opportunity to vote upon a proposition, if he believes a majority of the people want to vote upon it, not-

withstanding the fact that he personally does not believe in it. In other words, as I put the question before, if the Senator believes that, say, three-fourths of the American people are in favor of having this matter submitted to them, that they may act upon it through their legislatures, though the Senator believes that they are not acting with the best judgment and that his own judgment is superior, would he vote their judgment or would he vote his own?

Mr. BORAH. Did the Senator have any difficulty in understanding my reply when I said that if all of the people of the United States were in favor of it and I was against it I would still exercise my judgment and my right to vote that way in the Senate? Is there any ambiguity about my answer? The difficulty seems not to be in the answer; it must be elsewhere.

Mr. McCUMBER. I do not think so, as the Senator now expresses it; but the Senator before expressed it in connection with the matter of delay, and I did not want his language to be construed as relating to the question whether or not we should vote, but how we should vote.

Mr. BORAH. The Senator referred to progressive Republicans. Let me say to the Senator that progressiveism, if you may call it such, does not imply the right to violate the Constitution of the United States. That is a right peculiar to the reactionaries. They are opposed generally to amending the Constitution because they pay no attention to it while it is in existence.

Mr. McCUMBER. Of course, not knowing to what reactionaries or who are the reactionaries, I can not reply directly to the statement of the Senator.

Mr. BORAH. I assumed the Senator knew who are reactionaries when he assumed to know who are progressives.

Mr. McCUMBER. I can hardly say I know who is progressive when, under the term of progression, one argument is applied in one session of Congress and another argument directly in violation of it is applied in another Congress.

Mr. BORAH. If the Senator from North Dakota had reference to myself, he has misstated the record.

Mr. McCUMBER. And again I might say it may be a question of judgment.

Mr. BORAH. Perhaps so, under some circumstances, but in this case I doubt it. The progressives believe in amending the Constitution when it is wrong, but I have never yet heard anyone advocate ignoring it while it is in existence.

Mr. McCUMBER. I have never heard of anybody advocating the ignoring of it at any time.

Mr. BORAH. How is that?

Mr. McCUMBER. I never heard of anyone, at least in the Senate or in the other branch of Congress, who advocated ignoring it at any time. If the Senator knows of such, of course he has knowledge that is entirely foreign to me.

Mr. BORAH. I think, Mr. President, we may dismiss this question of consistency and progressive Republicanism until the Senator from North Dakota refreshes his recollection about some things.

Mr. McCUMBER. I think I read the RECORD, perhaps, as thoroughly and understand it as thoroughly as does the Senator from Idaho.

Mr. BORAH. I hope so. I often wished I did understand it as thoroughly as does the Senator from North Dakota.

Mr. McCUMBER. Thank you. I wish you did.

Mr. BORAH. Coming back to the subject which was under discussion, from which we have digressed for a time, the subject of one term for the President was referred to in the constitutional conventions which ratified the National Constitution. I believe Mr. Mason, of Virginia, referred to it in a very short paragraph. Mr. Henry, who spoke most earnestly against the ratification of the Constitution and spoke most earnestly upon the subject of the powers of the Executive, did not address himself to this section to any extent whatever. He did not regard it as one of the things which would make the Executive, as it was then created, dangerous to the Republic. It was referred to also in the New York convention. Mr. Parsons, in discussing the subject, said with reference to limiting it to one term:

> It deprives a man of honorable ambition whose highest reward is the applause of his fellow citizens of an efficient motive to great and patriotic exertions.

Chancellor Livingston said:

> Besides, it takes away the strongest stimulus to public virtue, the hope of honors and rewards. The acquisition of abilities is hardly worth the trouble unless one is to enjoy the satisfaction of employing them for the good of one's country.

I want to call attention to some excerpts also from the Federalist. This was, as we all know, a contemporaneous construction of the Constitution by the three men who were peculiarly fitted to construe it, and it has been a textbook ever since it was written. In one of these articles it is said:

> That magistrate is to be elected for four years and is to be reeligible as often as the people of the United States shall think him worthy of their confidence.

This is what the makers of the Constitution understood—that he should be reelected as often as the people thought he was worthy of their confidence, and they did not look forward to the fact that some great figure or character like Washington would amend the Constitution by a precedent or by custom. But they rested the proposition clearly upon the single principle that so long as a man commanded the support of a majority of his countrymen, so long as his acts and character called to his aid a majority of the votes of the people, it was perfectly safe to leave the question of tenure to them.

They had had some experience with this matter before in the confederation, not with reference to the presidency, but with reference to other officers, to which I will come a little later on.

It is further said in the Federalist:

> The ingredients which constitute safety in the Republican sense are, first, a due dependence on the people; secondly, a due responsibility.

The Senator from Iowa yesterday discussed at some length and very interestingly the proposition of the President looking to renomination and a reelection. What has the President to do in order to serve a second term in this country? He first submits his record to a review of his countrymen. He must next secure the nomination at the hands of his own party, and I may concede for the sake of the argument some of the arguments made by the Senator that he holds the advantage, if in office, in securing the renomination. He must not only secure the renomination, but the reelection at the hands of the people after four years' service, after a thorough presentation of his record, and after a thorough opposition on the part of the great parties as they will always exist in this country.

The judgment of the people taken under those circumstances must necessarily be, as the Federalist says, a safe guide, and he can be reelected as often as the people in their judgment think it wise to elect him. Again it is said:

> As, on the one hand, a duration of four years will contribute to the firmness of the Executive in a sufficient degree to render it a very valuable ingredient in the composition, so, on the other, it is not enough to justify any alarm for the public liberty.
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> That experience is the parent of wisdom is an adage the truth of which is recognized by the wisest as well as the simplest of mankind. What more desirable or more essential than this quality in the governors of nations? Where more desirable or more essential than in the first magistrate of a nation? Can it be wise to put this desirable and essential quality under the ban of the Constitution and to declare that the moment it is acquired, its possessor shall be compelled to abandon the station in which it was acquired and to which it is adapted? This, nevertheless, is the precise import of all those regulations which exclude men from serving their country by the choice of their fellow citizens after they have, by a course of service, fitted themselves for doing it with a greater degree of utility.
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> Even the love of fame, the ruling passion of the noblest minds, which would prompt a man to plan and undertake extensive and arduous enterprises for the public benefit, requiring considerable time to mature and perfect them, if he could flatter himself with the prospect of being allowed to finish what he had begun, would, on the contrary, deter him from the undertaking when he foresaw that he must quit the scene before he could accomplish the work and must commit that, together with his own reputation, to hands which might be unequal or unfriendly to the task. The most to be expected from the generality of men in such a situation is the negative merit of not doing harm instead of the positive merit of doing good.
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> There is no nation which has not at one period or another experienced an absolute necessity of the services of particular men in particular situations; perhaps it would not be too strong to say, to the preservation of its political existence. How unwise, therefore, must be every such self-denying ordinance as serves to prohibit a nation from making use of its own citizens in the manner best suited to its exigencies and circumstances.
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> There is an excess of refinement in the idea of disabling the people to continue in office men who had entitled themselves, in their opinion, to approbation and confidence, the advantages of which are at best speculative and equivocal and are overbalanced by disadvantages far more certain and decisive.

I will not further trespass upon the time of the Senate, but these quotations from this work upon the Constitution, written at the time that the people adopted the Constitution, disclose the proposition which I wish to enforce upon the minds of the Senate, and that is that the fathers understood perfectly that this was not to be left to the precedent which might be established by Washington; that this was not to be left to this or that incident which might work against the proposition of a reelection, but they said plainly, "Here is the responsibility directly to the people. His term is short, and if at the end of that time he does well the people may reelect him. If he does ill, the people may reject him. But it rests at last upon the

judgment of the masses of the American people as to who shall be their President."

We sometimes say in these days we have more faith in the masses of the people than did our fathers; that they were lately from those conditions which militated to some extent against their faith in popular government; that they looked upon the rule of the Republics of Greece and Venice and other foreign countries as republics which had been destroyed and passed into nothingness because of the fact that the people did not put upon themselves sufficient restraint. They therefore made a Constitution which put certain restraints upon the people.

But, Mr. President, I call attention to one thing which inheres in this Constitution to a remarkable degree. While the fathers placed in the Constitution such prohibitions as would compel the people to stop and consider before they acted, while they enforced deliberation and judgment, there is not to be found in the political side of the Constitution any prohibition upon the part of the people, after they have had time to consider, after they have had time for deliberation, after discussion has been had, and views have been interchanged. If I read the Constitution correctly, the fathers said the ultimate judgment of the people must obtain, and they builded this Government upon that faith. True, they said we want the sober second thought, but when the judgment of the people had been matured they doubted its wisdom not at all.

I believe when they said that the people shall elect a President as often as they desire to elect him, they gave a manifestation of their faith which we may do well to emulate.

Mr. President, the Senator from Georgia [Mr. SMITH] had printed as a Senate document a few days ago a document entitled "The real authorship of the Constitution of the United States explained." I do not know, and I have not undertaken to determine, to what extent the distinguished author referred to in this document had to do with the formation of the Constitution, but all must agree that here is a most interesting, instructive document. I quote from it an extract which seems to me has a bearing upon this particular subject. Pelatiah Webster said:

> I think that frequent elections are a sufficient security against the continuance of men in public office whose conduct is not approved, and there can be no reason for excluding those whose conduct is approved and who are allowed to be better qualified than any men who can be found to supply their places.

Discussing the Confederacy he said:

> I have no objection to the States electing and recalling their delegates as often as they please, but think it hard and very injurious both to them and the Commonwealth that they should be obliged to discontinue them after three years' service, if they find them on that trial to be men of sufficient integrity and abilities; a man of that experience is certainly much more qualified to serve in the place than a new member of equal good character can be; experience makes perfect in every kind of business—old, experienced statesmen of tried and approved integrity and abilities are a great blessing to a State—they acquire great authority and esteem as well as wisdom, and very much contribute to keep the system of government in good and salutary order; and this furnishes the strongest reason why they should be continued in the service, on Plato's great maxim that "the man best qualified to serve, ought to be appointed."

Mr. Webster thought if they are required to go back sufficiently often to the people for a recommendation to continue in their service that that was a sufficient safeguard. If we are to accept as the basic proposition of government that the people are capable of self-government, if we are to assume that the people have the intelligence to choose their Representatives, what possible harm can come from submitting a man with a record as a public servant against a man who has not a record as a public servant? Shall we say that we will put in as a basic principle of the Republic that the people shall not have the benefit of experience and patriotism if a majority of 90,000,000 people believe that it is worth their while to call him into service? I know that those who are advocating this joint resolution do not look at it as an impeachment of the judgment of the people; I know that they would not favor such a proposition; but when you analyze it and get down to the basic proposition, what is it but an impeachment of the ability of a majority of the voters of the United States to say whether a man has been of sufficient service to continue his service.

Mr. President, we have now looked briefly into the history of this question and referred to some extent to the views of the fathers. We may now examine the proposition upon original grounds and in the light of present conditions. What is there in the present situation which requires that we put into our Constitution a prohibition against a man serving his country so long as his acts and character command the support and approval of a majority of his countrymen? Is there anything in the nature of the powers exercised by the President which makes it dangerous to submit the record and fitness of a man for this high office to the judgment of the voters of the United States? Is there anything at this time to be asserted and sustained in the implied charge that the people of the United States are no longer fitted to say when a man's public service should cease and when his fitness for the obligation of the office no longer entitle him to the honor? Has anything yet transpired in these more than a hundred years experience indicating that our present plan is a defective plan, and most of all, are the supposed defects of the plan going to be eliminated by the proposed change? Have the people in the past exercised this power by selecting whom they would to the detriment of the country? Have there been changes in the political situation which make it necessary after a hundred years to take something from the power of the people to select their own Representatives?

If the simple but searching question were asked, Are the people of the United States capable of terminating a man's public service at a time when such services for the public good should be terminated, it would likely be answered in the affirmative. To answer in the negative would be to challenge the capacity of the people to select their Representatives at all. It requires no greater capacity upon the part of the voter to select or reject for a second term or a third term than for the first. In fact, the voter has a much better opportunity to pass judgment in an intelligent way, for the record is open before him. In the first instance, a great deal must be taken for granted. No one knows until a man has been an incumbent in that great office in what manner he will meet its great responsibilities or how wisely he may exercise its great powers. But at the end of four years the record lies open to all—the wisdom or want of wisdom, the poise or want of poise, the understanding or lack of understanding of the duties of the office, everything which a thoughtful and considerate people engaged in the grave task of choosing a Chief Magistrate need to know can be known. In view of our party system and the searching and widespread power of the press, all the facts will undoubtedly be given to the voter. We must certainly be prepared at all times to assert and successfully maintain that the strength and virtue of our individual citizenship is the measure of the strength and virtue of the Government itself. To assert to the contrary is to assert that representative government has an inherent and incurable defect. If the people in the exercise of the franchise can not reject a dangerous man or continue in office a desirable and useful man, then the selections in the first place are but the result of ignorance or chance. And in the end the whole affair must terminate in a wreck. No form of free government, no scheme of social polity can ever be devised by which you can make a strong and efficient and powerful Government out of incompetent and irresponsible citizens. The power which is to keep this Government going, which is to supply it with vitality and strength and durability, must be found outside of the mere technical forms of government, outside of the formal statutes and constitutions, must be found among the people; when it is not found there, there is no hope elsewhere.

When you elect a man to the office of the Presidency for the term of six years with no chance for reelection you place him in the same relation to the people for that length of time as a President would be who should be elected for life. He has his term of six years upon the same terms and conditions as a man would have whose term was for life. The time in each instance would be different, but the attitude, the responsibilities, the regard for public opinion would be the same in each instance.

If human nature were not weak there would be no occasion for these precautions and limitations. But it is weak, and weakest when tempted with power. We therefore prescribe the powers to be exercised, and limit the term within which the exercise of these powers is to be enjoyed. We have that now. If the powers are exercised wrongfully we recall him, if rightly we reward him. Second, we endeavor in a free government to so arrange matters that the mind and thought of the public servant will always be directed toward the people, and when I say the people I mean the whole Nation in the aggregate. I would not have a man the slave of public opinion, and no great President has ever been so. But if he is to be a slave at all I want his master to be the public and not the subtle, persistent, tireless forces which operate by night and by day about the sources of governmental power. In other words, I want his mental vision turned toward the broad horizon of public thought, that his ear may not be too successfully abused by the whispers of the silent, selfish influences always at work.

I know, sir, that now and then some rare soul, some strangely endowed and singularly gifted being is turned loose upon this planet, willing to toil in silence and unrewarded, solely for the benefit of mankind, that such beings need not the stimulus to public virtue which comes from the commendation of their fellows; commended or condemned, they work on. But these rare beings come too seldom to be available for Presidents or any other office. Even if they were more plentiful they would

not be recognized in a political convention. Human sympathy and human fellowship, the desire to possess the commendation of your fellows, play a powerful part in the lives of the best of men. The Father of our Country was saddened and depressed in his last years because the turmoil which characterized the closing days of his administration seemed to estrange from him many of his countrymen. Mr. Jefferson relates how upon one occasion he seemed utterly disconcerted with personal grief. Who for a moment doubts that the shoulders of Lincoln were more stooped and his sad face still sadder because he felt the shafts of malice and hatred sent his way? The most powerful factor in public service to a right-minded man is the desire to so perform his work as to command the approval and judgment of his fellows. He wants that expression in a definite and concrete way, and for that he toils, and it does not make any difference how noble may be his purposes this feeling is never absent. Why divorce the public servant from this influence? Why put him in a position where this stimulus is removed? Why deny him the opportunity to know whether his people approve or disapprove? Why remove this powerful motive for exceptional exertions for the public good? I would not be charged with saying that this is the only motive for public service, but it is one of such powerful, persistent presence that it seems unnecessary to destroy it.

I repeat that I want the Chief Magistrate to feel and to know that there is a power which can intelligently commend and reward him if he does well and a power which will inevitably condemn him if he does ill. I do not want this influence destroyed while the other and sinister influence, which will always be at work, is left free to continue its exertions. The selfish, the special interests, the privileged, and those seeking privileges to direct and dominate an administration will be just as powerful as ever, while the power which can punish him if he yields to their influence is thwarted. The President is made to know in the beginning that the public can neither give nor take away. After he gets his certificate of office he is for all intents and purposes for six years an autocrat.

I grant you, Mr. President, my theory is all wrong if it be not conceded, to start with, that the general judgment of the voters is a safe basis for action. If it be thought that our people are becoming excitable, prone to passion, intemperate, fond of strife, unreliable, and unstable, then it is undoubtedly better if we have fewer elections. After awhile we may arrive at the point where it will not be necessary to elect anybody at all. If it is thought that ninety millions of people can be coerced or thrown into a frenzy or blinded as to usurpations, then let us have fewer elections. As soon as the people have gotten used to 6 years we can perhaps increase it to 10.

But, Mr. President, let us not be too easily discouraged by superficial and passing incidents. The great body of the people is not affected by these agitations upon the surface between individuals. Let us not listen too seriously to the cynic. He is an old and familiar friend. His drawn and pinched countenance has marred every heroic scene in the history of the world. His sepulchral wail has mingled with the strains of progress since time began. No superstition was ever compelled to take its fangs from the intellect of man, no cruel creed was ever rejected, no great law was ever written, no battle for human rights was ever fought that this croaking prophet of evil and chaos was not there to discourage the work. No man ever stood forth in a great cause that the people were not warned that the purpose was to destroy, not protect, their rights; but thus far the people have not been misled. They have judged aright and they will continue to do so.

It seems to me that it is neither necessary nor expedient to establish by the fundamental law that the people shall not be permitted to exercise their judgment as to who shall be their Chief Magistrate at a particular time or in a particular emergency. I can understand perfectly all these constitutional limitations which are calculated to enforce deliberation and consideration upon the part of the people before final action is taken. But I can not understand nor appreciate those limitations which challenge the capacity of the people to take action after full and free discussion of the subject. If I did not believe that the safest and soundest guarantee of free institutions was to be found in the final judgment of the voters of this country after full and intelligent discussion, I would not only distrust our system, but I would feel however much good fortune a new country and favorable economic conditions might postpone it for a season, that in the end our scheme of government would end in a miserable failure. It is not flattering the people, it is not demagoguery to urge that the judgment of the majority in such matters as these must always be regarded and accepted as safe and sane. It is a plea, sir, for the first and indispensable principle upon which our whole fabric of government is reared. It is a cardinal tenet of that faith which brought the fathers to Philadelphia in 1787 and under the inspiration of which every great disciple of free government has since lived and carried on his work. No one will ever charge Alexander Hamilton with having molded his views for popular favor. Superb and masterful in his intellectual dominancy, he stands amid that splendid group of men clean of every taint of the demagogue. In fact, the criticism has been that he was a royalist and distrusted too much the capacity of the people for self-government. I do not now stop to argue that charge, but certainly I may with propriety quote him as he spoke upon this particular question. "Nothing appears more plausible at first sight nor more ill founded upon close inspection than a scheme which in relation to the present point has some respectable advocates—I mean that of continuing the Chief Magistrate in office for a certain time and then excluding him from it either for a limited period or forever after. This exclusion, whether temporary or perpetual, would have nearly the same effects, and these effects would be for the most part rather pernicious than salutary."

No, Mr. President, the vital principle of representative government is that the representative, the political agent, shall return at stated periods for the approval or rejection of the people—the conclusive presumption being that in the forum of public conscience we have not only the highest but the wisest tribunal to which we can appeal in so grave a matter. If we can not rely upon the moderation, the wisdom of the majority of the whole people, where then shall we go for guidance? If the judgment of 90,000,000 of people expressed under the orderly forms of procedure are not to be accepted, to what arbiter shall we go? If it shall be charged that a man has become overambitious, that his plans seem to threaten the stability of our institutions, to whom can we submit that proposition with more complacence as to the result and more assurance of the correctness of the verdict than to those in whose keeping are all the institutions under the flag. On the other hand, if some great crisis is at hand, as when war is upon us, or if we are confronted with civic problems involving no less than the happiness of the whole people and the continuance of liberty, and the extended service of some individual who has earned the confidence and love of his countrymen seems desirable, can we not safely submit this question also to the voters, and having it submitted, who shall be found as a believer in our form of government to challenge that verdict? Shall the people under such circumstances and in such a crisis find that a ban has been placed upon ability for fear that the people would be unable to distinguish between a usurper and a patriot?

I concede that some of the arguments for a longer term seem, in the first instance, persuasive. The plea is for business tranquillity. The market place, they tell us, is disturbed by the too oft-recurring elections. The great growth of industrial affairs does not, after all, seem to sustain this contention. There is a dispute among the philosophers as to whether, intellectually and morally, the individual has progressed noticeably in these 3,000 years. Does our civilization produce greater intellects than that of Aristotle or Plato or greater statesmen than Pericles? But no one doubts the marvelous strides in the industrial world—business—business dominates and directs everything and everybody. The church, the State, politics, and religion are all influenced by its subtle, pervading, and persistent power.

And I am one who believes we can pay too high a price even for business tranquillity—the tranquillity under whose soothing shelter sprout and grow special privileges and governmental favors—a million times more menacing to the life of a republic than dictators; that business tranquillity which causes men to become indifferent to obligations of government and, what is more discouraging, sometimes unfits them for the sacrifices which every citizen is called upon to make for the general good.

Back of all forms and details of government, back of all statutes and constitutions, back of efficient democracy, back of successful representative government is the citizenship of the country. Let us shape our institutions and our laws, therefore, with a care for the building up of that citizenship and for the training for the sacrifices and obligations exacted and imposed by all who live rightly in a republic. Business will come, business will thrive, wherever may be found a people capable of orderly and wholesome self-government. France was one of the richest countries on the face of the earth just before the French Revolution, at a time when misery prevailed in almost every household among the middle classes and the peasants of the land. Our wealth and our business success depend upon the stature of our citizenship.

Our election campaigns constitutes the great university where the voter is trained for active and efficient citizenship. We can not measure the worth of an institution of government by temporary effects or conditions; we must view it as it works from decade to decade and through the sweep of the centuries. What effect does it have upon the character of the people—upon human progress as it works on through the years? If our people were called to the polls once in 20 years they would soon be incapable of discharging the duties imposed upon them. Men only grow to the full stature of citizenship when in the enjoyment and exercise of duties and obligations of citizenship. On the other hand, if we were to choose our Chief Magistrate every 30 days the element of unrest would predominate to the detriment of permanent growth and progress. Between these extremes, where on the one hand capacity and efficiency are sacrificed, and on the other turmoil and unrest prevails, lies the compromise ground, where ability and stability are joined in permanent wedlock.

This compromise ground the fathers found and a hundred years has demonstrated their wisdom. They said, first, we will provide for such a term in length as will insure the element of stability; second, we will not make it long enough to endanger the liberty of the people; third, we will at the end of the stated period send the faithful and the unfaithful back to the sovereign tribunal of the people for judgment; and, fourth, we will make it possible that there may accompany the Chief Magistrate through all his services the noblest ambition of exalted minds, the ambition to win and to hold the approval and commendation of a great and free people. The highest ambition of a public servant if he believes in the wisdom and patriotism of the people, if he believes in our theory of government, is to hear the pronouncement coming up from the millions of his countrymen, "Well done, thou good and faithful servant." Why should we eliminate this powerful element, beneficent and wholesome, from public life; that element which has steadied and inspired, guided and accentuated the efforts of the best men who have ever presided over the destiny of the Republic?

Our Government will perhaps never again experience the strain through which it passed in 1864. A fratricidal war was dragging wearily along with no assurance at the beginning of this year that it would soon terminate. The frightful disaster at Fredericksburg, the carnage at Chancellorsville were ominous reminders of what might at any time occur again. Grant had crossed the Rapidan and was plunging into the wilderness of Virginia. Sherman was cutting his way through the heart of the gallant but desperate South. Constitutional government was utterly without a guardian save as the guardianship was to be found in the loyalty of the masses. Had the people lost heart, had they swung from their moorings for a season the dream of the fathers would have ended in hideous chaos.

Under such condition, sir, we were called upon to elect a Chief Magistrate. We will never elect one under more adverse circumstances or under conditions which will more thoroughly test the capacity of the people for self-government. It is difficult for us to realize now what took place, but a recurrence to history leaves us in no doubt. The man at the helm to whom all parties, all people, and all races now pay homage was utterly distrusted by the leaders of the day. There is a perfectly well-authenticated story that a friend of Abraham Lincoln journeying to Washington in his behalf asked Thad Stevens to introduce him to Lincoln's friends in Congress. Stevens took him over and introduced him to Arnold of Chicago and told him if there was any other who believed it to be wise to reelect Mr. Lincoln he did not know who he was.

The opposition declared that it was dangerous, especially under such circumstances as then prevailed, to choose a man for more than one term and pointed to the fact that no man since Jackson had been chosen for a second term. The convention which met at Cleveland and nominated Fremont declared for a single term and charged Lincoln with usurping the constitutional powers of the Government. Salmon P. Chase, afterwards Chief Justice of the United States, appointed by Lincoln, declared: "I doubt the expediency of reelecting anybody, and I think a man of differing qualities from those the President has will be needed for the next four years." In February, 1864, a large number of Congressmen and Senators at Washington joined in a circular to the people urging that the welfare of the country demanded a more vigorous and capable man than Lincoln. This is not the first time nor the last that we have ample proof that sane and wholesome public opinion does not seem to thrive in the atmosphere of the Capital.

Horace Greeley urged that it was unsafe to choose any man for a second term and suggested in the place of Abraham Lincoln Benjamin Butler, of Massachusetts. Stevens, of Pennsylvania, declared that Butler was undoubtedly the choice of the people. Henry Winter Davis, of Maryland, urged that the salvation of the country demanded a new man. Thurlow Weed advised Lincoln that he could not be elected. The opposition papers declared that Lincoln was interested in the profits of Government contracts. As late as September Horace Greeley insisted that Lincoln was already defeated and demanded that a new convention convene.

But, Mr. President, Lincoln's power rested elsewhere; the guaranty of constitutional government rested elsewhere; the love of country which selfish ends could not blind, the poise which adversity could not disturb, the discriminating judgment and searching insight which leaders could not warp were to be found elsewhere; and with a unity of voice seldom known in this country or any other country, coming up from the workingman and the lawyer, from the farmer and the mechanic, from the merchant and the banker, unanimously demanded the renomination of Lincoln and stood loyally by him to the close of the election. The people were not disturbed by second terms or dictators. They were not to be misled by the fears and agitations of envious and ambitious men. With a wisdom amounting to inspiration they stood by the grandest soul yet born under the American flag. Oh, Mr. President, unless we are all wrong in our theory of government, unless every step we have taken from Bunker Hill to this hour has been in the wrong direction, we can afford to trust the voters of this country, whatever the crisis may be, to choose whom they would have as their President. "A second term," said Lincoln in a letter to a friend, "would be a great honor." Why take out of the moral economy of this Republic the aspiration, the ambition which could stir to action and guide the footsteps of Abraham Lincoln?

A renowned political philosopher once said: "A great statesman is he who knows when to depart from traditions as well as when to adhere to them." That is true. The human family will not be fettered by traditions or unnecessarily bound by constitutional provisions. It reserves the right to reject the one and to amend the other. "A state without the means of some change is without the means of its conservation." But changes to command my support must harmonize with the principle that these things which, in their nature are subject to determination by the people in their popular judgment, must be left alone for them in such way to determine.

The centripetal tendencies of society and of government are tremendous. The concentration and centralization of wealth, social exclusiveness, centralization of government, these are the tendencies of the times, menacing and momentous. The power now lodged in the bureaus of this Government removed from control or sympathy of the people no framer of our Constitution ever contemplated. I will not, in addition, give my indorsement to these tendencies by consenting to have incorporated for the first time in the fundamental charter a provision which may render the Chief Magistrate less responsible to public demands, less anxious for public commendation, or which carries with it the equally obnoxious thought that those who first selected the Chief Magistrate have not the discrimination or wisdom to reward the faithful, reject the incompetent, or condemn the recreant.

I point to the record of a hundred and twenty-five years and ask, What serious mistakes have been made in the choosing of Presidents for more than one term? Call the roll. Washington and Jefferson and Madison and Monroe and Jackson and Lincoln and Grant and McKinley and Cleveland. Show me another line of chief magistrates or rulers with which to compare this long line of American statesmen and patriots. No line of rulers or chief magistrates, whether of hereditary sovereigns coming down through successive generations or the freely chosen of a free people, can compare with this line of American Presidents. Will you weigh as against this record of efficiency and honor the doubts and fears and anticipations of the hour? Will you place over against this record nothing more than some possible advantages of the market place?

When Cæsar comes, when the man on horseback enters the other end of Pennsylvania Avenue, it will be after the question of terms of office, whether for four years or six years, for eligibility or noneligibility, shall have ceased to be considered; it will be after the Constitution shall have been discredited, its terms forgotten. It will be when the people shall have ceased to consider whether it provides one thing or another. So long as we are making constitutions or amending them we do so upon the basis that that Constitution is to serve a free people, who love their Government, who are intelligent and patriotic, who shall jealously guard its interests. For such people there can be no justification in taking away their rights to select whom they would for their Chief Magistrate.

Mr. McCUMBER. Mr. President, I listened with some interest to the argument of the Senator from Idaho [Mr. BORAH].

I listened a year ago, and I may say with an equal degree of interest, to the argument of the same Senator upon a similar proposition. That proposition was the submission to the people of an important constitutional amendment. The Senator says in his argument to-day that after due deliberation the judgment of the people should prevail. I agree with the Senator entirely upon that, but I believe it should prevail whether I agree with them or not. The position of the Senator from Idaho is that the judgment of the people shall prevail provided a sufficient number of Senators here will vote the same way they believe; but if I understand the position of the Senator from Idaho, the judgment of the people shall prevail when it agrees with his judgment; that it shall not prevail, so far as his vote can prevent it from prevailing, if it does not conform to his judgment; and the Senator considers me a reactionary because I will not agree with that philosophy.

The Senator from Iowa [Mr. CUMMINS] and the Senator from Idaho [Mr. BORAH] both made strong arguments about a year ago, and both made practically the same argument in favor of the constitutional amendment; and if not the words of the argument, at least the spirit of the argument was that after the people have duly deliberated upon any question and have formed a conviction upon it, it then becomes the duty of the Senate of the United States to present the matter before the people in such a way that they themselves register their judgment in accordance with their conviction.

That is the attitude of the Senator from Iowa to-day upon this question. That is not the attitude of the Senator from Idaho upon the same question. If the argument of the Senator from Iowa is consistent, then the argument of the Senator from Idaho is not consistent, because they both can not be consistent.

Mr. President, those who oppose the submission of this question to the people of the United States oppose it, I will admit, upon principle, but they oppose it upon what I conceive to be a wrong principle. They oppose it upon a theory to which I have never yet given my consent, the theory that the moment a man accepts a public position he usually loses his innate honesty, and he needs, in order to hold to a strict performance of his duty, the allurements of another term ahead of him—that he needs the inducement to hold him to a course of strict integrity. I do not accept that proposition. My own conviction—and I think I have perhaps as fair a knowledge of humanity in general as my friend the Senator from Idaho—is that men are generally honest; that other things being equal they will act honestly, they will act fairly. I will admit that while nearly all men are by impulse honest, nearly all men have a weakness, but the weakness is not dishonesty, though it may lead in that direction. Leave a man to operate according to his own convictions of right and wrong and he will generally follow the right path. If you hold a temptation before him he is more liable to desert that path.

Mr. President, one of the great sentences in our Lord's Prayer is "Lead us not into temptation." It is not to make our impulses honest and fair—they are naturally that way—but to "Lead us not into temptation"—to abandon them. We will be more liable to follow the natural impulse of human character, to do right by ourselves and right by the public, if we have no temptation before us.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from Idaho?

Mr. McCUMBER. I yield.

Mr. BORAH. The Senator is following the argument once made by Alexander Hamilton in favor of a life term for the Presidency. That it is perfectly consistent with the train of reasoning and the thought of the Senator I have no doubt.

Mr. McCUMBER. Nothing in the world is further from my thought or from my training. On the contrary, I would be in favor of a single term, the shortest term—that is, a term of four years rather than a term of six years.

Mr. President, I admire the sagacity, I admire the wisdom of Alexander Hamilton as I do of Thomas Jefferson, and as I do of all the great men who had to do with the building of our Constitution. But I am not a hero worshiper, and I do not quote those authorities to sustain me in my own judgment whenever they happen to agree with my judgment and to disavow their arguments whenever they do not agree with my judgment.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Dakota yield further?

Mr. McCUMBER. I yield.

Mr. BORAH. I said the Senator was following the argument of Mr. Hamilton. Mr. Hamilton's idea at one time was when a man was once in office, his own innate disposition to do right was all that was necessary, and that was the basis of his contention in the first instance in regard to it. I was not reflecting upon the Senator except to say that the argument he advances is one which leads to life service in everything.

Mr. McCUMBER. It does not lead to life service by any means.

Mr. BORAH. A man elected for six years to the Presidency with no chance for reelection is placed in the same attitude for that length of time as a man elected for life.

Mr. McCUMBER. The American people, like all people, may make a mistake, but I would not put them in the position where they could not retrieve themselves from any error. I think they made a mistake in the election of 1892, and I would have given them the very first opportunity to extricate themselves from the condition in which they placed themselves. That opportunity came in four years.

Mr. BORAH. The position of the Senator now is that he would so arrange matters that such a mistake, if mistake it was, as took place in 1892, might continue two years longer.

Mr. McCUMBER. Oh, no.

The Senator made a statement a short time ago that I sometimes made an argument upon a wrong assumption of fact, and then when less than three minutes ago I said I would be in favor of a single term and the shortest term, four years, I am surprised that the Senator asserts that I am in favor of a six-year term, or increasing the present term two years.

Mr. BORAH. I understood the Senator to say he was in favor of this resolution, and the resolution provides for a term of six years.

Mr. McCUMBER. I said what I was in favor of. I said I favored the amendment offered which would limit the term to four years rather than six years, but I am in favor of a limitation of the term.

The Senator from Iowa [Mr. CUMMINS] expressed my views more eloquently than it would be possible for me to express them when he said that the duty of the President in that high office was the duty to attend wholly and solely to his official functions, and he ought not to be hampered in the performance of that duty by being compelled so to conduct himself either toward the people generally or toward anyone else that he can not exercise his whole attention, his best judgment and best impulses, for the benefit of the people whom he represents.

Mr. BORAH. Is the duty of the President in that respect any different from the duty of a Senator?

Mr. McCUMBER. The duty of the President is a different duty from that of a Senator or a Representative. It differs both in its nature and its degree.

Mr. BORAH. But the obligation of a Senator is to perform the duties of his office regardless of everything except the rightful discharge of the duties.

Mr. McCUMBER. Finish the sentence.

Mr. BORAH. I did finish it. That is precisely what the President should do. He should perform the duties of his office for the benefit of the public, whether he is to be reelected or not. So should a Senator. Is the Senator from North Dakota in favor of one term for Senators?

Mr. McCUMBER. The importance of the great office of President of the United States overshadows so much the importance of the other, in the mind of both the holder of the position and of the public in general, that the same rule would not necessarily apply to each.

Mr. BORAH. Mr. President——

Mr. McCUMBER. We see to-day one who has occupied the presidential chair practically two terms, who has tasted power, who seems to still long for the sensation of power, for public approval, and all the notoriety that surrounds the Presidency, and when we observe this powerful influence controlling a single individual we can easily understand that the rules which apply to that position are not the same as those which might apply to a Senator, a Representative, a governor, or any State official.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Dakota further yield?

Mr. McCUMBER. Certainly.

Mr. BORAH. The Senator will agree with me that if all the Senators were elected for one term the Senate as a whole would be almost as influential a body as the President. It is not a question whether one Senator shall be elected for a single term, but do you believe in electing all Senators for a single term, and do you say that the Presidency of the United States is overpowering as against the Senate of the United States as a whole?

Mr. McCUMBER. No, Mr. President. The President of the United States occupies a position in which his power is greater than that of the greatest potentate in the world.

Mr. BORAH. Oh, Mr. President——

Mr. McCUMBER. Just a moment. Senators are simply lawmakers, and that is the limit of their function.

Mr. BORAH. And that is the most important function in the Government.

Mr. McCUMBER. The President has a hundredfold greater powers than those exercised by any Senator. His power is greater than king and, therefore, may well be limited in its duration.

Mr. BORAH. But the Senator says now he thinks the President has such power that it is dangerous for him to have it without restraint. A few moments ago he said that the rule for exercising that power was simply the man's innate sense of what was right or what was wrong. If that is true, what is the difference whether you elect him for a shorter or for a longer term? You concede by your argument and admit the fact that there is, after all, to be a restraining influence against this power, that it should be limited, either limited by the Constitution or limited by the people. I would limit it by the judgment of the people. If he has done well, reward him. If he has done ill, condemn him. You will never put into the Constitution a principle which will be so restraining in its influence as that.

Mr. McCUMBER. I know the Senator's position. He has repeated it again and again. The Senator's position is that a President's character, his human nature, is such that he needs the allurement of a succeeding office to bring about the best results of his administration. I deny that. I say he needs the removal of the temptation of another term in order that he may better exercise the innate honesty that is a part of his human nature.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from Idaho?

Mr. McCUMBER. Yes.

Mr. BORAH. A few days before Mr. Lincoln was reelected he wrote a letter to a friend in which he said that "a second election would be a great honor, and I should like to have it." Does the Senator think that it is necessary to take out of the moral economy of the Republic that honorable ambition and that desire for the commendation of his fellows which directed the footsteps and guided the purposes of Abraham Lincoln?

Mr. McCUMBER. Mr. President, I might take exceptional cases again and again to prove a rule. Is the Senator prepared to say that the Government would have gone down to perdition if there had been no second term for Mr. Lincoln?

Mr. BORAH. Mr. President——

Mr. McCUMBER. I do not think so for a single moment.

Mr. BORAH. I have never had a doubt but that the failure to reelect Abraham Lincoln would have been a greater calamity than to have lost the Battle of Gettysburg. He was peculiarly, singularly, if not divinely endowed for this work.

Mr. CUMMINS. May I ask the Senator from Idaho a question? Does he think that Abraham Lincoln would have been less wise, less patriotic, less upright if the proposed amendment had been then in the Constitution?

Mr. BORAH. No; and neither was he less wise, just, and patriotic because he could have two terms. But the people would have been deprived of the great benefit of his experience and his patriotism and his judgment at a most critical period in the history of the Republic. There are two parties interested here, the President himself and the people; and if the people want a great leader in a crisis when the Republic is in danger, who will say the people should not exercise their judgment and continue him in service until the Republic is taken care of?

Mr. McCUMBER. Mr. President, I never knew of a great crisis where the people did not rise to the occasion and its requirements. I am not one of those who believe for a single moment that there were not thousands of men in the United States at that time who were capable of following Lincoln's footsteps. I am not conceding for one single moment that with the temper of the people as it was at that time they would not have elected a patriot and one who was equally determined to sustain the Constitution and the Government of the United States.

Mr. BORAH. You can take the reconstruction period itself, the reconstruction work after Mr. Lincoln's death, and it proves how essential he was to the welfare of the Republic and the people of the United States. His influence was of such a nature that it was almost indispensable in the extraordinary crisis in which the Republic found itself. The strength of the argument here lies in the fact that almost every leader was against him, while these people who are now to be denied the right to elect their magistrate a second time were his friends and loyal to the last.

Mr. McCUMBER. Mr. President, the position of the Senator is this: At one moment the Senator from Idaho is for the approval of the views of those who made the Constitution. The next moment he dubs as reactionary those who still reverence that Constitution. On one day he pleads for the right of the people to make their Constitution. The next day he declares in substance that he would violate the Constitution if he dared to allow the dear people an opportunity to vote upon an amendment.

Mr. BORAH. Mr. President——

Mr. McCUMBER. That, Mr. President, is the position of the Senator. The argument of the Senator from Iowa, as I said, is consistent. The argument of the Senator from Idaho seems to me to be lacking entirely in that quality.

Mr. BORAH. Mr. President, when I was advocating the election of Senators by popular vote I was giving more power to the people and giving it more directly to the people. The Senator from North Dakota was opposed in principle to that resolution, because it was extending the power more directly to the masses of the people. Now, we have a resolution which takes away from the masses of the people the right to select their Representatives as they might choose to do, and the Senator from North Dakota, consistent with his entire life, is favoring the proposition.

Mr. McCUMBER. Now, Mr. President, the Senate can readily see how consistent is the Senator when a short time ago he accused me of making an address upon a subject that I had not studied. If the Senator would go back and study the RECORD, he would find that I not only spoke in favor of the constitutional amendment, but I voted for it. Yet the Senator, forgetting what took place here in the Senate Chamber but a very short time ago, is now making an argument that I was not only opposed to it, but that I acted in opposition to it.

Mr. BORAH. I remember very well the speech of the Senator from North Dakota. He was yielding, he said, to a public demand, he was yielding to the opinion of the people, but he did not believe it was wise, and he did not believe it would prove to be wise, because, I presume, the people could not perform the duty or discharge the obligation to be imposed upon them.

Mr. McCUMBER. Therein, Mr. President, lies the difference between the Senator's position and mine, and I will leave it to any sensible man to say who is progressive and who is reactionary. I believe that this Government derives all its powers from the hands of a governing people; that that is the basis of all just government. I believe that when, after due deliberation, a great majority of the people of the United States think that they ought to change their Constitution it is my duty to give them the opportunity to do it and not obstruct them. I believe in the right of the people to form their own Constitution, although the form of a Constitution which they might adopt does not harmonize with my views. They have the last and final say on the subject.

The Senator, on the other hand, believes that the people should have that right so long as they agree with him, but the moment that they do not agree with him he will stand here and vote, if he is the only man in the Chamber, to prevent them from having an opportunity to express themselves upon that question.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Dakota yield further to the Senator from Idaho?

Mr. McCUMBER. Oh, I yield for as long as the Senator wants on that proposition.

Mr. BORAH. The Senator seems to be getting a little excited.

Mr. McCUMBER. No; not at all. The Senator is not justified in that assumption.

Mr. BORAH. And that is not conducive to clear reasoning. I want to say to the Senator that I am in favor of the people making their Constitution. Is the Senator in favor of the plank in the Progressive platform which requires only a majority vote of the Senate to submit a constitutional amendment? If the Senator wants to make it easier for the people will he not tell me that he is in favor of that plank in the Progressive platform?

Mr. McCUMBER. I believe, Mr. President, in making it rather difficult to amend the Constitution——

Mr. BORAH. That is what I thought.

Mr. McCUMBER. So that in all instances we may have careful and full deliberation upon it. If that is what the Senator thinks, the Senator thinks somewhat as I do. I do not believe we should amend the Constitution as easily as we make a law. If we are to have no restraint, then, in heaven's name, what is the use of a Constitution?

Mr. BORAH. Mr. President——

Mr. McCUMBER. But answer that question. If we are to make and unmake a Constitution as we make and unmake a law, tell me what use there is of having a Constitution.

Mr. BORAH. If the Senator will rest his soul in peace for just a minute——

Mr. McCUMBER. It is always at peace.

Mr. BORAH. I hope it may continue to be.

Mr. McCUMBER. It will.

Mr. BORAH. I have my fears about that hope of the Senator, but I hope so.

Mr. McCUMBER. The Senator need not have any fear at all.

Mr. BORAH. The Senator says we should have a Constitution which enforces deliberation before amendment. What is the use of deliberation if you are going to cast a vote against your judgment?

Mr. McCUMBER. Go ahead.

Mr. BORAH. I have finished.

Mr. McCUMBER. The Senator not only abandons his own argument, but he closes his eyes to mine. I have said again and again that after the people, upon due deliberation, not under the first impulse of a majority but after due and proper deliberation of the subject, have come to the conclusion that they want a change in the Constitution, it is far from my duty to prevent them from having an opportunity to vote on such change. I do not say it is for me to make it, but I say it is my duty to give them the opportunity to make it.

Mr. BORAH. The Senator from North Dakota says that he wants deliberation and that the Constitution should not be the same as a law, and so forth. Now, what is the difference whether we have two-thirds here or a majority if at the moment the resolution comes into the Senate everybody is going to submit without any further deliberation or without exercising his own judgment? Why not go to the Progressive platform at once and say that a majority shall control?

Mr. McCUMBER. Why does the Senator again use the phrase "without deliberation" when I say the vote should be with deliberation and after much deliberation?

Mr. BORAH. If I am not permitted to exercise my judgment there is no reason why I should deliberate except as a mere matter of pretense, which I am sure the Senator would not be guilty of.

Mr. McCUMBER. There is a reason why every Senator who represents the people, and who is properly intrusted to represent them upon the presumption the he will study those questions, should give them the benefit of his labors, should attempt to convert them to his belief if he thinks he is right, but if finally they do not agree with him he should at least give them an opportunity to act upon their own judgment.

Mr. BORAH. I want to ask the Senator——

Mr. McCUMBER. That proposition is very far, indeed, from the proposition presented by the Senator.

Mr. BORAH. Is the Senator in favor of the resolution introduced by the Senator from Wisconsin [Mr. LA FOLLETTE] providing that a majority may submit an amendment to the Constitution?

Mr. McCUMBER. Mr. President, I will not express my opinion upon that to-day, because I will cross that bridge when I come to it. The Senator will have my views at that time undoubtedly, and I will be free to express them. I am not in the habit of prophesying what my vote will be upon a subject not under consideration.

Mr. BORAH. That is wise.

Mr. McCUMBER. I am still subject to enlightenment upon a great many subjects.

Mr. BORAH. That is a good policy.

Mr. McCUMBER. I presume that I might probably vote for it.

Now, Mr. President, my own conviction is that instead of spending our time in quoting Thomas Jefferson and Alexander Hamilton, whom we follow to the extent that they agree with our views and whose views we abandon the moment they are found to be discordant with our own, we should use our own judgment in this year of our Lord 1912. I think we have perhaps as great an opportunity to determine what our duty is upon a great fundamental question to-day as any of these leaders were able to tell us what we should do more than a hundred years ago.

Mr. President, I am in favor of changing the Constitution wherever I believe that that change will conduce to the greatest happiness and prosperity of the people, but I do not believe we need the restraining power of a Constitution as much or more than we did a hundred years ago. But in these days we are not dealing with the Americans of the days of Thomas Jefferson. I am sorry to say that I believe as a people we are traveling, and rapidly traveling, into the field of emotionalism and that we act less deliberately upon some subjects than we did years ago; that we lack some of the staid qualities of our fathers.

As a justification for this statement let me ask the Senator what would Thomas Jefferson or George Washington or Alexander Hamilton have thought of a convention in which were gathered 800 or 1,000 representative American citizens for the purpose of choosing an Executive of this great Government, what would they have thought of bringing in a queen of the footlights for the purpose of producing a stampede of deliberative men at some supposed psychological moment?

Mr. BORAH. Mr. President, I am not entirely familiar with all the history of Jefferson and Hamilton as to such things, but my opinion is, from what I have read, that they would have enjoyed it.

Mr. McCUMBER. Possibly so, Mr. President; but I do not think they would have entirely approved of it as a method to be adopted in a deliberative body of American citizens.

Mr. BORAH. I think the Senator ought to reflect a moment before he speaks of the lady as——

Mr. McCUMBER. Queen of the footlights?

Mr. BORAH. Queen of the footlights, in the sense in which the Senator seemed to use it.

Mr. McCUMBER. If that should be construed in any sense other than that of a fair fame, I certainly would not use it, but, not intending to imply anything but an honorable career, I still am disposed to criticize the method adopted.

Mr. BORAH. Mr. President, I do not know of any reason why the women should not run the conventions of this country as well as the men.

Mr. McCUMBER. I am not going to be led into that. God knows, if they do, I hope they will not try to do it in that manner.

Mr. BORAH. It came very near being a success, which would have made some of us happy.

Mr. McCUMBER. I hope, Mr. President, that if we do submit the question of this kind to the grand and noble women of the country their power will be exercised in their calmest deliberation, and not in an attempt to stampede a lot of men by feminine charm.

Mr. President, I simply rose to defend my own position upon this joint resolution. I am in favor of the joint resolution as I would propose to amend it. If I can not amend it in that way, then I would be in favor of the joint resolution as introduced and as supported by the Senator from Iowa.

The PRESIDENT pro tempore. The joint resolution is before the Senate as in Committee of the Whole.

Mr. BRISTOW. Mr. President, I should like to inquire of the Senator from Iowa if he intends to press the joint resolution to a vote at this session? I know of a number of Senators who desire to speak upon it. There is, of course, a very great mental and physical lethargy over the Senate at this time. Many of us who desire to discuss it feel physically incapacitated for a thorough examination for that discussion of the measure which it deserves before it is finally voted upon by the Senate. There is now scarcely a majority of Senators in the city. It seems to me that it should not be pressed to a vote at the present session.

Mr. CUMMINS. I feel that the question propounded by the Senator from Kansas is not one for me to answer. It is for the Senate to decide whether there shall be a vote upon the joint resolution at this session. I was directed by the Committee on the Judiciary to report it. I am not its author. It was introduced by the Senator from California [Mr. WORKS]. I can best answer possibly, so far as I am concerned, by suggesting to the Senator from Kansas that I had intended before we adjourned this evening to ask for unanimous consent that we vote upon the joint resolution at 4 o'clock to-morrow afternoon.

Mr. BRISTOW. Mr. President, I desire to say that, from information I have, that would be impossible unless a number of Senators who want to speak were denied the opportunity. I do not think that a question of this importance should be

unduly hastened. I believe that a vote should be reached upon the measure, but I do think that full opportunity ought to be given to discuss it, so that both sides of the question might be fairly presented to the Senate before it finally goes to the people for their judgment. I should have to object to a unanimous-consent agreement of the kind suggested by the Senator from Iowa, because it would deprive a number, who I know desire to speak, of the opportunity of discussing the matter as fully as they desire to do.

Mr. CUMMINS. In that event, Mr. President, it is for the Senate to say what shall be done with the joint resolutian. I do not feel that I have any right to control. It is not a measure that ought to be committed to the hands of any one man. Whenever the Senate desires to displace it with any other business, I shall bow to the will of the Senate in that regard; but I can not do otherwise than to hold it where it is until the Senate sees fit to displace it.

Mr. WORKS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from California?

Mr. BRISTOW. I do.

Mr. WORKS. Mr. President, as the author of this joint resolution as it was first introduced, I am, of course, anxious to have it determined at as early a day as will give Senators an ample opportunity to discuss it. I recognize the fact that it is a very important question, a fundamental question, going to the amendment of the Constitution of the United States. I feel that every Senator here should be given full opportunity to express his views upon it, whether they agree with mine or not. I therefore stated to the Senator from Iowa [Mr. CUMMINS] who is in charge of the joint resolution, that he could take his own course with respect to it, in accordance with his own judgment; that I should not press it for a hearing if, in his judgment, it should not be determined at the present session, and I am perfectly willing to leave the matter to the Senate to determine whether it shall be disposed of now or at a later time. I shall certainly not complain of any action that the Senate may take with respect to it.

I appreciate the position of the Senator from Kansas [Mr. BRISTOW], who, I know, is entirely opposed to my views upon this question; but he desires to be heard, and I should not desire to have him deprived of that right to the fullest extent. Therefore I am willing to leave the matter to the consideration of the Senate. It is out of my hands. I am not in charge of the joint resolution, and have not been at any time. It was considered by the Judiciary Committee, and one of its members is in charge of the joint resolution. I am perfectly content to leave it in his hands.

Mr. POINDEXTER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from Washington?

Mr. BRISTOW. I do.

Mr. POINDEXTER. Mr. President, I very much hope that the Senator from Iowa [Mr. CUMMINS] will not urge the joint resolution to a vote in the closing days of the session. I do not believe that there is any emergency involved in the joint resolution which would justify insisting upon the disposition of it without the very fullest debate and discussion. One of the most vital questions involved in the joint resolution, if the Constitution should be amended in this way, providing that the Chief Magistrate of the Nation should be ineligible for reelection, is that his term might expire at a most critical period in the Nation's history and the circumstances be such as to involve the country in the gravest danger on account of having to choose a new man as his successor. There are a great many other vital principles involved in the joint resolution which ought to be discussed.

As the Senator from Kansas [Mr. BRISTOW] has stated, there are a number of Senators who desire to be heard upon the proposition. I, myself, should like, if convenient to the Senate, to be heard upon some phases of the question which have occurred to me, and it would be impossible for all of the Senators who desire to discuss the joint resolution to discuss it properly if it is to come to a vote in the last days of an expiring session.

Mr. CUMMINS. Mr. President, I realize the force of what has been said, but I can not take the responsibility of postponing a vote upon this measure until the next session; that is for the Senate to determine. I want it determined in a way that meets the views of a majority of the Members of the Senate. I know that it has been customary at times to permit one who is in charge of a measure to do this thing; but it is not right. The joint resolution, I repeat, is in the possession of the Senate, and I shall be entirely satisfied with whatever it sees fit to do.

Mr. SMOOT and Mr. POINDEXTER addressed the Chair.

Mr. CUMMINS. I want to say one further word.

The PRESIDENT pro tempore. To whom does the Senator from Kansas yield?

Mr. BRISTOW. I yield to the Senator from Iowa.

Mr. CUMMINS. If the majority of the Members of the Senate here do not want to vote upon the joint resolution at this session, then I think it ought to be displaced, and it ought to be displaced now. I do not intend consciously or intentionally to permit it to remain as the unfinished business simply that some other measure may not be brought before the Senate; but, with that statement, it is with the Senate to determine what it shall do with the joint resolution.

Mr. SMOOT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from Utah?

Mr. BRISTOW. I do.

Mr. SMOOT. I should like to ask the Senator from Iowa [Mr. CUMMINS], it being now 5.30 o'clock, if he would not allow the unfinished business to be laid aside and let the Senate take up the calendar, under Rule VIII, to consider unobjected bills? There are a number of Senators who have left the Chamber with the understanding that there would be no final disposition of the joint resolution to-day.

Mr. CUMMINS. I had never thought of any final disposition of the joint resolution to-day.

Mr. SMOOT. If the Senator from Iowa would merely consent to the laying aside of the unfinished business we should then have a half hour in which some bills which have been reported to the Senate could be passed.

Mr. CUMMINS. I feel that good faith to the Senator from Vermont [Mr. PAGE] requires me to refer that question to him. He has a very important bill, which is to be taken up immediately after the disposition of this measure. I do not want, by any act of mine, to postpone the disposition of the joint resolution, and in that way make it impossible for the Senate to consider the bill, in which the Senator from Vermont, and indeed all of us, have a great interest.

Mr. SMOOT. I had supposed that the Senator from Vermont would not care to take up his bill at this time of the day, and if the unfinished business could be temporarily laid aside we could proceed with the consideration of bills on the calendar, under Rule VIII, until 6 o'clock, and dispose of a number of bills in which Senators are interested. There are quite a number of House bills which perhaps will have to go to conference, and if they are to become laws at this session they should be passed now.

Mr. PAGE. Mr. President, I should like to ask the Senator from Utah, if that is done, would he be willing that my bill then be made the unfinished business of the Senate?

Mr. SMOOT. That is not for the Senator from Utah to say. If the Senator wants to make his bill the unfinished business to-morrow all that is necessary to do is for the Senate to vote to take it up, as the Senator from Iowa has suggested. That could be done at any time when the unfinished business comes up. If the Senate desires to displace the present unfinished business, well and good; we would go right on, and the Senator's bill would be the unfinished business.

Mr. PAGE. Mr. President, with the consent of the Senate I shall be very glad to move that my bill be made the unfinished business and then ask that it be temporarily laid aside in order that the bills on the calendar may be taken up.

Mr. SMOOT. That can not be done, of course, under the rule, because we already have an unfinished business. The only way the Senator could do it would be to move to take up his bill and displace the unfinished business.

Mr. PAGE. If that is agreeable to the Senator from Iowa, I will make that motion at this time.

Mr. CUMMINS. I have stated my view of it fully, Mr. President. I should like a vote upon the pending joint resolution at this session, but if the majority of the Senate think that there ought to be no vote upon it at this session, then I think that same majority ought to displace it with some other measure that can be acted upon at this session. I decline, however, to assume the responsibility of taking away from the consideration of the Senate the unfinished business, and inasmuch as the Senator from Vermont has not objected, I ask unanimous consent that the unfinished business be temporarily laid aside.

The PRESIDENT pro tempore. The Senator from Iowa asks unanimous consent that the unfinished business be temporarily laid aside. Is there objection? The Chair hears none.

COMMISSION ON INDUSTRIAL RELATIONS.

Mr. BORAH submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 21094) to create a commission on industrial relations, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: On page 4, line 10, after the word "thereof," insert the following: "*Provided*, That the commission may expend not to exceed $5,000 per annum for the employment of experts at such rate of compensation as may be fixed by the commission, but no other person employed hereunder by the commission, except stenographers temporarily employed for the purpose of taking testimony, shall be paid compensation at a rate in excess of $3,000 per annum"; and the Senate agree to the same.

WILLIAM E. BORAH,
BOIES PENROSE,
J. H. BANKHEAD,
Managers on the part of the Senate.
W. B. WILSON,
W. L. HENSLEY,
J. J. GARDNER,
Managers on the part of the House.

The report was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House further insists upon its disagreement to the amendments of the Senate to the bill (H. R. 20728) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1913, asks a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. STEPHENS of Texas, Mr. CARTER, and Mr. BURKE of South Dakota managers at the further conference on the part of the House.

ENROLLED BILLS SIGNED.

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

S. 4753. An act to amend an act entitled "An act to provide for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes," approved April 26, 1906 (34 Stat. L., p. 137);

S. 5882. An act to extend the time for the completion of a bridge across the Missouri River at or near Yankton, S. Dak., by the Winnipeg, Yankton & Gulf Railroad Co.;

S. 6688. An act to repeal section 13 of the act approved March 2, 1907, entitled "An act amending an act entitled 'An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes'";

S. 6763. An act to authorize the cities of Bangor and Brewer, Me., to construct or reconstruct, wholly or in part, and maintain and operate a bridge across the Penobscot River, between said cities, without a draw;

S. 7157. An act to make uniform charges for furnishing copies of records of the Department of the Interior and of its several bureaus; and

H. R. 16571. An act to give effect to the convention between the Governments of the United States, Great Britain, Japan, and Russia for the preservation and protection of the fur seals and sea otter which frequent the waters of the North Pacific Ocean, concluded at Washington July 7, 1911.

CONSIDERATION OF THE CALENDAR.

Mr. SMOOT. I ask unanimous consent that the Senate proceed to the consideration of unobjected bills on the calendar under Rule VIII.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Utah? The Chair hears none, and that order is made. The Secretary will state the first bill on the calendar.

The bill (S. 2493) authorizing the Secretary of the Treasury to make an examination of certain claims of the State of Missouri was announced as first in order.

Mr. SMOOT. Let that bill go over.

Mr. STONE. Mr. President, who asked to have that bill go over?

Mr. SMOOT. I suggested that it go over, because of the fact that the Senator from Ohio [Mr. BURTON] requested me to ask that it go over in his absence.

Mr. STONE. I wish just a moment or two, and only a moment or two, to say something about this bill. I have not been nicely treated about this bill; I think I have been badly treated, and I am getting to a point where I can not avoid having some little feeling about it. I am not in the habit of objecting to measures in which Senators are interested nor obstructing them.

All this bill proposes to do is to require the proper officers of the Treasury Department to make an examination of certain documents and papers sent to that department and to report their findings to Congress for the future action of Congress. There are a number of claims which citizens of Missouri have against the Government growing out of the Civil War. They have been heard under State authority and sent here to the War Department, and are in the archives there now. I have not any doubt, Mr. President, that there are a large number of those claims that are bad—I will go even further and say fraudulent—and they ought not under any circumstances to be paid; but, on the other hand, there are a number of them that are just and right and fair, which ought to be paid.

The only thing we ask is that an examination into these cases may be made by competent authority in the War Department and a report made to Congress. I do not think that ought to be denied to any State.

This bill has twice passed the Senate. It has been reported again, favorably, from the Committee on Claims and has been here on the calendar since January 16. The Senator from Utah has told me on several occasions that he would like to have it lie over, and I have obligingly yielded to his wish, he telling me he wished to show me something. Well, being from Missouri, I have been perfectly willing to be shown, but he has never yet shown me.

Now, if he has any reason for saying the bill ought not to be passed, let him say it. He now says the Senator from Ohio [Mr. BURTON] wishes him to object to the consideration of the bill. The Senator from Ohio came to me here in the Chamber about 3 or 4 o'clock of the afternoon he was leaving on a voyage, as I understood, to Europe, not to return this session, and asked if this bill could not go over until next session, as he desired to be heard. That was the first time I knew or heard that he cared anything about it or knew anything about it.

I told him I thought it was an unreasonable request to wait within 10 days or 2 weeks of the adjournment of Congress, especially when the Senator from Utah had practically assured me in our conversations that in due time he would not stand obstinately in the way of the taking up and passing of the bill. I did not think it was right for the Senator from Ohio, going away on a voyage across the sea, to ask that this bill be kept here on the calendar. I do not think I am being treated right about it. It is a fair bill, and it ought to be heard, and I do not think the Senator from Utah ought to persist in preventing its consideration.

Mr. SMOOT. Mr. President, I wish to say to the Senate that perhaps I have been derelict in showing the Senator from Missouri the report I have from the department upon this bill. I have the papers at my desk now, but it would take a long time to-night to present them to the Senate. But, as I told the Senator, all I desired was to present them to him and let him see what the department says in relation to these claims, and I thought myself he then would not push the claims.

But I knew nothing until the other day about the Senator from Ohio [Mr. BURTON] taking an interest in it at all or having any papers that he desired to present to the Senate. He came to me, saying he was compelled to leave, and asked me if I would not object to the consideration of the bill at this session of Congress. I said, "I did not know you were interested in it at all. I never heard you say a word about it. I did not know that you knew anything about it. I suggest that you speak to the Senator from Missouri about it." The Senator from Ohio later said he spoke to the Senator from Missouri about it.

Mr. STONE. I have just detailed that.

Mr. SMOOT. I was merely undertaking to tell just how it came about.

Mr. STONE. I do not want to retain the floor any longer. I said I would be through in a moment. Of course the bill goes over under the objection, but I am going to insist, in my talk with the Senator from Utah, privately and personally as well as publicly, on having this bill considered the next time we go

to the calendar, if we ever go to it again during this session. I think that is due to me as a matter of common fairness and courtesy.

The PRESIDENT pro tempore. The bill will go over.

RELIEF OF CERTAIN RETIRED NAVAL OFFICERS.

The bill (S. 1505) for the relief of certain officers on the retired list of the United States Navy was announced as next in order.

Mr. CULBERSON. What is the calendar number?

The SECRETARY. Calendar No. 238.

Mr. BRISTOW. Let it go over.

Mr. CULBERSON. I will ask if the calendar is being considered under Rule VIII.

The PRESIDENT pro tempore. Rule VIII; unobjected cases.

Mr. CULBERSON. I suggest the absence of a quorum.

Mr. OVERMAN. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 46 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, August 21, 1912, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate August 20, 1912.

DEPUTY COMMISSIONER OF CORPORATIONS.

Francis Walker, of Massachusetts, to be Deputy Commissioner of Corporations in the Department of Commerce and Labor, vice Luther Conant, jr., appointed Commissioner of Corporations.

REGISTER OF THE LAND OFFICE.

John S. McClory, of Devils Lake, N. Dak., who was appointed October 2, 1911, during the recess of the Senate, to be register of the land office at Devils Lake, N. Dak., vice William Miller, resigned.

UNITED STATES DISTRICT JUDGE.

Clinton W. Howard, of Washington, to be United States district judge, western district of Washington, vice Cornelius H. Hanford, resigned.

POSTMASTERS.

CALIFORNIA.

Henry E. Kay to be postmaster at Jackson, Cal., in place of Frank H. Duden, resigned.

ILLINOIS.

William H. Whitehouse to be postmaster at Mount Olive, Ill., in place of William H. Whitehouse. Incumbent's commission expired December 10, 1910.

KANSAS.

Theodore Iten, jr., to be postmaster at Ellinwood, Kans., in place of Theodore Iten, jr. Incumbent's commission expired April 2, 1912.

MISSOURI.

Marvin E. Gorman to be postmaster at Mansfield, Mo., in place of Marvin E. Gorman. Incumbent's commission expired May 15, 1912.

NEBRASKA.

E. C. Colhapp to be postmaster at Humboldt, Nebr., in place of Cary K. Cooper, resigned.

NEVADA.

Joseph M. Lyon to be postmaster at National, Nev., in place of Thomas Defenbaugh, resigned.

NEW JERSEY.

Judson W. Parker to be postmaster at Verona, N. J., in place of Charles S. Simonson. Incumbent's commission expired March 6, 1912.

NEW YORK.

Robert N. Roberts to be postmaster at Lockport, N. Y., in place of Robert N. Roberts. Incumbent's commission expired February 12, 1912.

NORTH CAROLINA.

S. Arthur White to be postmaster at Mebane, N. C., in place of S. Arthur White. Incumbent's commission expired May 29, 1912.

PENNSYLVANIA.

John H. Warren to be postmaster at Osceola Mills, Pa., in place of Frank H. McCully. Incumbent's commission expired February 15, 1911.

TEXAS.

James W. Bradford to be postmaster at Mount Vernon, Tex., in place of James W. Bradford. Incumbent's commission expired March 31, 1912.

John W. Chichester to be postmaster at Eagle Pass, Tex., in place of John W. Chichester. Incumbent's commission expired April 2, 1912.

Christopher C. Gates to be postmaster at Sanderson, Tex. Office became presidential January 1, 1912.

Frederick W. Guffy to be postmaster at Belton, Tex., in place of Frederick W. Guffy. Incumbent's commission expired December 16, 1911.

Charlie B. Starke to be postmaster at Holland, Tex., in place of Charlie B. Starke. Incumbent's commission expired April 28, 1912.

VIRGINIA.

A. R. Evans to be postmaster at Mount Jackson, Va., in place of Albert A. Evans, deceased.

CONFIRMATIONS.

Executive nominations confirmed by the Senate August 20, 1912.

PROMOTION IN THE REVENUE-CUTTER SERVICE.

Cadet Samuel Peacock to be third lieutenant.

CONSULS.

Lester Maynard to be consul at Amoy, China.

Samuel H. Shank to be consul at Fiume, Hungary.

SURVEYOR OF CUSTOMS.

Edward J. Rodrigue to be surveyor of customs in the district of New Orleans, La.

UNITED STATES MARSHALS.

Secundino Romero to be United States marshal for the district of New Mexico.

John B. Robinson to be United States marshal, eastern district of Pennsylvania.

RECEIVER OF PUBLIC MONEYS.

Christopher Kalahan to be receiver of public moneys at Vancouver, Wash.

REGISTER OF THE LAND OFFICE.

John L. McClory to be register of the land office at Devils Lake, N. Dak.

POSTMASTERS.

ALASKA.

Jesse D. Jefferson, Valdez.

CALIFORNIA.

Lewis S. Slevin, Carmel.

GEORGIA.

Charles E. Murphy, Waycross.

Richard W. Tindall, Jessup.

KENTUCKY.

George P. Thomas, Cadiz.

William H. Turner, Middlesboro.

Nannie L. Ward, Harlan.

MINNESOTA.

Robert B. Henton, Morton.

MISSOURI.

William G. Hughes, Bucklin.

Robert E. Ward, Liberty.

PENNSYLVANIA.

Edwin R. Allen, Warren.

William M. Potts, Darragh.

John P. Wilson, Manor.

WASHINGTON.

Minor McLain, Ferndale.

WITHDRAWALS.

Nominations withdrawn August 20, 1912.

POSTMASTERS.

ILLINOIS.

James H. Miles, Riverside.

VIRGINIA.

Charles P. Smith, Martinsville.

Paxton G. Williamson, Mount Jackson.

HOUSE OF REPRESENTATIVES.

TUESDAY, *August 20, 1912.*

The House met at 10 o'clock a. m.

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

Our Father in heaven, continue, we beseech Thee, Thy blessings unto us, and guide us through the remaining hours of this day by the highest conceptions of manhood illustrated and exemplified in the life and character of the Jesus of Nazareth, that at its close we may be in harmony with Thee in obedience to the laws which Thou hast ordained; and Thine be the praise forever. Amen.

The Clerk proceeded with the reading of the Journal.

Mr. RAINEY. Mr. Speaker, I move that the further reading of the Journal be dispensed with.

The SPEAKER. The gentleman from Illinois [Mr. RAINEY] moves that the reading of the Journal be dispensed with.

Mr. MANN. I will have to object to that.

The Clerk completed the reading of the Journal and it was approved.

EXTENSION OF REMARKS.

Mr. THAYER. Mr. Speaker, I desire to ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Massachusetts [Mr. THAYER] asks unanimous consent to extend his remarks in the RECORD. Without objection it is so ordered.

There was no objection.

Mr. THAYER. Under permission to extend my remarks in the RECORD I insert the following letter from the Springfield Daily Republican, Saturday, August 17, 1912:

QUESTIONS FOR ROOSEVELT—THE WOOL-TARIFF ISSUE PLACED BEFORE HIM BY MANUFACTURERS.

The following open letter on the tariff question has been addressed to Mr. Roosevelt by Secretary Arthur Wheelock, of the Carded Woolen Manufacturers' Association:

DEAR SIR: You are to begin your campaign for election as President of the United States by speaking this week to the people of New England. I ask you to define your position on tariff revision, the leading issue before the people, in terms so plain that no voter can be in doubt where you stand.

In your confession of faith at Chicago 10 days ago you said that you believed in a protective tariff, were opposed to tariff preferences, favored a tariff based on the difference between foreign and domestic cost, condemned protection that did not reach the pay envelope of the wage earner, favored revision schedule by schedule, and declared in favor of an expert tariff commission as the only way to get a reasonably quick revision.

This confession of faith regarding the tariff question is not satisfactory, because it is exactly like the faith that for four years has been confessed by the dominant stand-pat element in the party from which you have just bolted. I do not question your sincerity, but merely point out that so far as tariff revision is concerned your confession of faith does not mark by so much as a hair's breadth any progress from the policy under which an unjust tariff on wool and wool goods has been maintained and appeals for relief have been denied.

At Chicago, when you were interrupted by a questioner, you are reported to have said: "Any respectful request for information I shall always have an answer for, and during my administration I never did anything I was afraid to be questioned about, and I shall not begin in the Progressive Party." That assurance encourages me to ask you to reply to the following questions in the speeches you are to deliver in New England:

1. The contest over tariff revision at Washington is between a tariff in which the rates are based wholly on value, and one in which the rates are based on the unit of weight or measure or the piece. Ad valorem rates bear equally on all classes of producers and consumers. Specific rates bear heaviest on the low-priced goods and lightest on the high-priced goods. This issue between specific and ad valorem rates is fundamental. Which system of duties do you favor? Do you advocate the specific system by which special privileges of great value are granted to one class of manufacturers and burdens placed on other manufacturers? Do you favor specific duties under which the tariff, as in the case of wool, rises to three or four times the foreign value of low-priced wools, and drops to a small fraction of the value of high-priced wools? Do you favor specific duties which cause such inequalities regardless of whether the commodity is wool, watches, clothing, foodstuffs, or other product? Or do you favor an ad valorem tariff under which the rates would necessarily bear equally on all classes of producers and consumers?

2. In your confession of faith at Chicago you indorsed a tariff based on the difference between the foreign and the American cost. Do you believe that such a difference can be determined? If not, then is not the principle unsound, and is not its promulgation at Chicago in 1908 and by you in 1912 calculated to deceive the people?

3. At Chicago you stated that an expert tariff commission is the only means of getting a reasonably quick revision of the tariff. You condemned the present Tariff Board and described a model tariff commission having enlarged powers and exceedingly complicated duties. Do you believe that a reference of the tariff question to such a commission for extended investigation would be a quicker way to get the tariff revised than by having it revised immediately by Congress as provided by the Constitution? Is it not a fact that the standpatters who want the Payne tariff unchanged are desirous of having the question referred to a board, commission, or any other body except Congress?

4. In order to make your position perfectly clear regarding the revision of the woolen schedule, which is of special interest in New England, will you state what you would do if you were President now? Would you, like President Taft, favor the Hill bill or the Penrose-Lippitt bill with their specific duties? Would you favor the Underwood bill or the La Follette bill or the Underwood-La Follette bill with their ad valorem duties? Or if you favor none of these, what kind of a bill would you advocate? Would you favor the enactment of a bill with exclusively ad valorem rates affording adequate protection?

5. In your confession of faith at Chicago you advocated protection that would reach the pay envelope of the wage earner. Have you any definite idea in mind by which this result can be accomplished? If so, will you describe it in order that it may be compared with the tariffs of the past?

In hearings on my antitrust bills there were intimations that the United Shoe Machinery Co., as well as other concerns, attempted by underhand methods to obtain the business secrets of their rivals and to injure them by various means. As a sample of these methods of "Big business," I append the following declaration in the suit of Frank Morrison against The United Shoe Machinery Co.:

Suffolk County—Superior Court.

(Filed sometime in August, 1912. No. 68375.)

FRANK MORRISON AGAINST THE UNITED SHOE MACHINERY CO.

The plaintiff says that on or about June 1, 1910, he was employed by the United Shoe Machinery Co., the defendant herein, for the purpose of obtaining information regarding the design and working of certain machines installed in the factory of Thomas G. Plant Co., and the number of pairs of shoes produced daily by said machines, and also concerning other devices used in said factory, together with the methods employed in connection with the operation thereof, so that said information might be used in connection with the business of the defendant if deemed of value, and for the further purpose of using his best efforts to establish a union in said factory, and for his said services the defendant promised to pay him the sum of $2,000, together with such cash disbursements as he might make in connection with the said work, and that said disbursements for the summer and fall of 1910 amounted to $1,397.13, according to the account hereto annexed marked "A." That the plaintiff did obtain the desired information and reported on the machinery, the output, and the business methods employed in said factory, and did attempt to establish a union therein, and did all other acts and things required of him under his agreement of employment, and that he reported regularly to said company, wherefore the defendant owes him a sum of $3,397.13, together with interest thereon from January 1, 1911, on or before which date payment was duly demanded by the plaintiff of the defendant.

United Shoe Machinery Co. to Frank Morrison, Dr.

To cash paid out for services and expenses during the summer and fall of 1910, as follows:

June 1, cash paid out for hall	$20.00
June 1, cash paid out for meeting	215.00
June 2, cash paid out for hall	5.00
June 2, cash paid out for meeting	50.00
June 3, cash paid out for hall and meeting	53.00
June 4, cash paid out for taking 125 members to picnic	275.35
Cash paid Peter Rastnin, one month's expenses	40.00
Cash paid W. Tonise, one month's expenses	25.00
Cash paid G. Hupus, one month's expenses	25.00
Cash paid C. Ponson, one month's expenses	25.00
Cash paid N. Ponon, one month's expenses	15.00
Cash paid M. Somone and five of his companions and expenses	52.00
Cash paid Geo. Galbrg, pay and expenses	30.50
Cash paid M. Malton, pay and expenses	25.00
Cash paid B. Apstonos, pay and expenses	32.35
Cash paid D. Socton for money paid 35 members and expenses	115.55
Cash paid one Sourian for money paid 30 members and expenses	135.10
Cash paid T. Spetorsky for money paid 10 members and expenses	47.15
Cash paid Joe Popny, the Greek, for money paid 17 members and expenses	117.35
Cash paid 200 members second month, $10 each for services and expenses	2,000.00
Cash paid S. Togan, the machinist	47.00
Cash paid G. Togan, expenses	15.00
	3,365.35
Of which sum this plaintiff paid one-third, or	1,121.78
To personal expenses, 3 months' lunches, car fares, telephone charges, and railroad fare	275.35
Total	1,397.13

WATER-POWER LEGISLATION.

The SPEAKER. The gentleman from Illinois [Mr. RAINEY] is recognized for 54 minutes, after which the gentleman from Tennessee [Mr. AUSTIN] will be recognized for the same length of time.

Mr. RAINEY. Mr. Speaker, I desire to discuss this morning some phases of the water-power conservation movement in the United States with particular reference to the omnibus dam bill (H. R. 25882). Mr. Harry A. Slattery, secretary of the National Conservation Association, has prepared for me, at my request, an article which he calls "Water power and the future," and in which he discusses water-power possibilities in the years to come. I have his article here, and I would like to print it in the RECORD.

I also desire to make some references to other provisions in the omnibus dam bill than the provisions affecting the State of Tennessee, and I therefore ask permission to extend my remarks in the RECORD and to print as an appendix to my speech the excellent article which Mr. Slattery has prepared for me.

The SPEAKER. The gentleman from Illinois [Mr. RAINEY] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. RAINEY. Mr. Speaker, on the 22d day of July, 1912, the bill known as the omnibus dam bill was reported out with a favorable recommendation from the Committee on Interstate and Foreign Commerce. It contains provisions for the construction of 17 dams across navigable rivers in the United States. From 1789 down to the present time 100 franchises of this character have been granted by Congress. Over 50 per cent of the franchises so granted can now be found under the control of some one of the six great water-power groups now operating in the United States. The omnibus dam bill which is now pending before this House provides, therefore, for the construction of almost one-fifth as many dams as this Congress has authorized to be constructed in the last 125 years. No hearings were had as to any of these proposed projects. No member of the committee knows what the Government is asked to give away. The water-power possibilities in the rivers embraced in this bill have not received the slightest consideration at the hands of this committee. They have made absolutely no investigation as to the good faith or the solvency of the persons or corporations asking for these franchises. They do not know even the post-office addresses of the men to whom with lavish hands they have given away so much of the assets of our National Government. In order to get a franchise worth millions of dollars at the present time in our rivers, it is only necessary for some person or corporation to persuade a Member of Congress to introduce a bill for that purpose, and if the Member asks the committee to report out the bill the present policy of this committee seems to be to report it out at once.

No king or emperor in feudal days ever gave away as much of the resources of his country as this committee seems to be willing to do. None of these bills provide for tolls to the National Government. None of them provide for protection to the consumers. Fortunately, an awakened public conscience on the subject of water-power conservation makes it apparently now impossible that any more gifts of this character can be made to private individuals or corporations unless there is connected with them a provision for protection to consumers against exorbitant charges and for tolls to the National Government.

The bill we are considering gives to the Ozark Power & Water Co., a Missouri corporation, the right to construct and operate a dam across the White River in the State of Missouri. This company was incorporated under the laws of Missouri on January 7, 1911, with an authorized capital stock of $5,000. There were 50 shares, 48 of them being held by Chester E. Burg, of St. Louis, Mo., and the other two shares were also held in St. Louis. Six months later the capital stock of this company was increased to $875,000, and on March 1 of this year the capital stock was increased to $2,000,000. This corporation is now engaged in absorbing all the other power companies operating in the rivers in that section of the country. The bill also gives to B. E. Debler, or his assigns, when authorized by the State of Missouri, the right to build as many dams as he or they may desire to construct across the Current River in three counties in Missouri. The bill also gives to Carl J. Keifer and Laurent Lowenburg, when authorized by the State of Tennessee, the right to build two dams across the Duck River in Hickman County, Tenn. The bill also gives to the Great Northern Development Co., a Maine corporation, the right to dam up the Mississippi River whenever it is authorized to do so by the laws of Iowa or Illinois.

The bill also gives to Ralph Morrison, when authorized by the State of Missouri, the right to construct and operate a dam at any point that suits him or his assigns on the Osage River in Missouri. The bill gives to the Kootenai Power Construction Co., a Delaware corporation, the right to dam up the Kootenai River whenever the laws of Montana authorize this company to do so. In other words, this bill gives to these several gentlemen, whoever they are, and to these corporations the exclusive right to control these several rivers, provided the legislatures of the several States affected thereby grant to them a similar privilege. This bill, therefore, if it becomes a law, will prevent absolutely any other individuals or corporations from obtaining these valuable franchises during the period of the life of the franchises granted by this bill, or of any extensions thereof, even if they do nothing at all toward developing their projects. The various States affected thereby are not allowed any discretion in the matter. They must grant permits to these several gentlemen or their assigns or to these corporations and their assigns and to none others as long as these gentlemen and these corporations are able to keep this franchise alive, provided this Congress grants it.

Such a bill as this is made possible only by the fact that this great committee of this House gives not the slightest attention to the subject matter of this bill. Water-power concentration in the hands of a few companies is going on now at a rate unheard of heretofore in our history as a Nation, and the whole country is to-day awakening to the power of this new factor in our civilization which is engaged in consolidating the water-power possibilities of the country.

To indicate the alarming progress being made in the country at the present time in the matter of water-power consolidation it is only necessary to call attention to the Pennsylvania situation. All of her water-power possibilities have now been taken up. This great State has granted, in all, 1,856 charters to water-power companies, 969 of which are now in active operation. In this State 133 cities and towns control their own water supply. The balance of these charters are owned by corporations; 787 of them are not operating, but are being held at the present time simply to prevent competition or to be exploited at some time in the future. All of the water-power projects now in operation are being consolidated, and soon will be completely owned and manipulated by four great monopolies in that State. Pennsylvania has a law providing for the annulment of water charters not used or put into active operation within two years after they are granted. Pennsylvania has, however, another law to the effect that no charter can be surrendered and no corporation can be dissolved until back taxes are paid. The water companies holding these charters for exploitation in the future insist, and so far the courts of Pennsylvania have agreed with them, that they have never operated, and therefore have no assets, and therefore can not be taxed, and inasmuch as they can not pay taxes, it is therefore held that their charters can not be annulled, and the great State of Pennsylvania has in this way been delivered over to be exploited by water-power combinations. One-half of the water-power resources of the State have been grabbed off within the last five years. Other States are having similar experiences.

I have mentioned conditions in Pennsylvania to show that a greater degree of care should be exercised by this House in granting away indiscriminately valuable national water-power assets than has heretofore been exercised by this body. The bill we are considering provides for the construction of a number of dams in the Clinch and the Powell Rivers in Tennessee.

I desire now to consider the Tennessee situation. The omnibus bill so vigorously championed in this House by the gentleman from Tennessee [Mr. AUSTIN] provides for 17 dams. Seven of these are in the Clinch River in Tennessee and one of them is in the Powell River. Bills for the granting of these Powell and Clinch River franchises were all introduced by the gentleman from Tennessee [Mr. AUSTIN]. Two at least of these dams are not to be constructed within his congressional district, but are in the district represented in this House by his colleague, Mr. SELLS, who knew nothing of the introduction of the bills until after the subject had been discussed on this floor. The gentleman from Tennessee has stated upon this floor that he could conceive of no bill or measure of more importance to the people he represented than the propositions embraced in the bills introduced by him providing for the damming of these rivers. He also stated that the men interested in the corporations asking for these franchises were Tennessee men, a majority of them, and were his constituents. He also refers to his bills as being of a purely local character, in which I, representing a district eight hundred or a thousand miles away, ought not to have the slightest interest.

I propose now to discuss the projects in which the gentleman from Tennessee apparently is so vitally and violently interested. Not long ago on this floor I had occasion to refer to the fact that I did not know how much power could be develped in the "navigable river in which the gentleman is interested," whereupon I was most vigorously interrupted by the gentleman from Tennessee, who demanded to know what I meant by saying that he was interested in a river. Later on I referred to the gentleman's "company," and I was again most vigorously interrupted by the gentleman from Tennessee, who protested that it was not his company, and that he wanted me to stick to the truth, and he also stated that he was only interested in these rivers as a Member of Congress. Therefore, in my discussion of these projects, in order to avoid controversy with the gentleman from Tennessee on this subject, I desire to preface my remarks with the statement that at the outset I want it understood that I am ready to concede that the gentleman is interested "as a Member of Congress" in all the water-power enterprises in Tennessee to which I shall call attention. The evident disappointment of the gentleman on account of his failure to get his bills through led him in the first place to assert upon the floor of this House that it would be a long time before

I would be able to get any private bills through this House. Later on he characterized me as a dreamer, then as a man who was simply blocking great enterprises until I have time to make up my mind as to the proper policy to be adopted, and finally concluded by characterizing me as a demagogue, and asking the House not to be driven from the great undertakings in Tennessee embraced in the omnibus dam bill by "the demagogue of the House."

I therefore presume that I ought to consider myself to be so sufficiently and absolutely crushed and discredited as to be completely incapacitated from further discussion of this matter. I have discussed these subjects in a parliamentary way and in order, and I propose to continue the discussion in the same way. If the gentleman is not interested in the rivers of Tennessee, I assure him I am interested in the navigable rivers of Tennessee as a Member of this body, and in the navigable rivers of all the States, and I propose, so far as I can, to protect these rivers from the encroachments of the Water Power Trust, whether my course meets with the approval of the gentleman from Tennessee or not. I had occasion at one time during these discussions to refer to the gentleman as a representative of the Water Power Trust. This he most vigorously denied and demanded that I produce the proof. At that time I was willing to accept his denial; I am not willing to do so now. In my investigation of the water-power question, so far as it relates to the rivers of Tennessee, I find a well-trodden trail leading directly from the congressional office of the gentleman from Tennessee in the House Office Building to the representatives of the Water Power Trust, and for the benefit of the gentleman from Tennessee, and of others who may be interested in this subject, I propose now to call attention to the evidence he heretofore so vigorously demanded that I produce. I am not discussing this subject from a personal standpoint. Personally I care nothing about the gentleman from Tennessee, nor his references to me on this floor, but I propose, if I can, to make it odious hereafter for any Member of this body to introduce and to promote in this House a water-power bill which does not provide for the protection of consumers, and which does not provide for tolls to the National Government. What has happened in Pennsylvania is about to happen in the State of Tennessee, and will happen in a short time if the gentleman from Tennessee has his way about things. None of the bills he has introduced provides for the regulation of the cost of hydroelectric power to consumers in his State. None of them provides for tolls to the General Government.

In the city of Knoxville, where the gentleman lives, they are planning a city beautiful, and in all this broad land no city is more splendidly located than Knoxville, Tenn. Down from the mountains come rushing splendid rivers of water, running on forever, prepared to furnish to the city of Knoxville hydroelectric power through all the years to come. No city is better located for manufacturing purposes, and no city in the land is capable of being made more beautiful, but the gentleman from Tennessee is planning, so far as he can, to deliver over the city in which he lives and all his constituents in the splendid district to which he refers so feelingly, bound and gagged, to the Water Power Trust. The price of hydroelectric power can be regulated only by the price of steam power. There is no other competitive agency. The owners of hydroelectric power, those who control its development, invariably in all the States fix the price of power to consumers just a little below the cost of producing and distributing steam power. This is all they are compelled to do in order to secure customers, and when steam power is driven out, as it must soon be in a city like Knoxville, there is nothing in the world to restrain the trusts which control the hydroelectric power that can be developed there from raising their prices and fixing the selling price to consumers as high as a grasping corporation sees fit to demand.. There is, therefore, no other way by which the cost to the consumer of hydroelectric power can be regulated and made reasonable than by the State or the National Government. That Representative who deliberately plans to harness up the rivers of his section without protecting the consumers in that section is not, in my judgment, discharging his full duty to the people who have sent him here.

Under the bills introduced by the gentleman from Tennessee and embraced in the omnibus dam bill, the Tennessee Hydro-Electric Co. is to be given a franchise to erect four dams in the Clinch River in Tennessee, and one dam in the Powell River. The Clinch River Power Co. is authorized to erect another dam in the Clinch River, and five citizens of Morristown, Tenn., are to be authorized, if this bill goes through, to erect two dams in the Clinch River in Tennessee. The remarkable harmony with which these three aggregations proceed is enough of itself to excite suspicion.

I have, therefore, tried to find out something about the persons who are apparently interested in these dams. I find that the Tennessee Hydro-Electric Co. is incorporated under the laws of Tennessee. This seems to be about as far as that corporation has yet succeeded in going. The incorporators I find are J. R. Paul, James B. Cox, Francis M. Butler, J. R. Cox, and J. H. Wallace. Under the laws of Tennessee it does not appear to be necessary to give even the post-office address of the incorporators of Tennessee companies, and the secretary of state in Tennessee was unable to give me any information as to the post-office address of any of the above gentlemen. I have, however, conducted some investigations, and I find that J. R. Paul, who heads the list of incorporators of this purely "local" company, is a banker at 316 Fourth Avenue, Pittsburgh, Pa. I find that James B. Cox is a United States district attorney at Knoxville, Tenn., who is supposed to hold his position through the favor of the gentleman from Tennessee [Mr. AUSTIN]. I find that J. R. Cox is a son of James B. Cox. I find that J. H. Wallace is a lawyer at Clinton, Tenn., the county judge at that place, and an enthusiastic political supporter of the gentleman from Tennessee. I am unable to find out anything about Francis M. Butler, and the city directories of the principal towns in Tennessee do not show that he lives in any of those towns. If the gentleman from Tennessee will put in the RECORD the post-office address of Mr. Butler, I will feel under obligations. I have, however, secured enough evidence, as the House will see, to show that the Tennessee Hydro-Electric Co., so far as it has proceeded in its career, is under the complete personal control and domination of the gentleman from Tennessee [Mr. AUSTIN].

The incorporators of the Clinch River Power Co. are Henry A. Mansfield, Frederick H. Burnett, Ormin H. Sielken, John L. Baker, and William J. Condry. I am unable to find out the post-office address of any of them, and the persons to whom I have written in Tennessee can tell me nothing at all about them. I know, however, that their names can not be found in the city directories of Knoxville, Nashville, or Chattanooga, Tenn. I can find that none of the incorporators in either of these companies are of sufficient importance in the business world to be rated either in Dun's or Bradstreet's agencies, except, perhaps, J. R. Paul, the banker, who lives in Pittsburgh, Pa.

The other bill introduced by the gentleman from Tennessee, and incorporated now in the omnibus dam bill, provides for two dams in the Clinch River, to be built by five citizens of Morristown, Tenn. I find that their names are all given in the Morristown, Tenn., directory. W. C. Hale is a livery-stable keeper, and is rated in Bradstreet's at $5,000. John Loop is engaged in the dry-goods business, and is rated in Bradstreet's at $10,000. E. M. Grant is a retail hardware merchant, and is rated at $5,000. The other two—M. C. McCanless and W. H. Mullins—are not rated either in Bradstreet's or in Dun's. We are called upon to believe that these five men are expected to expend some millions of dollars in this enterprise and to act in good faith and protect the consumers of the hydroelectric power that may be generated in that part of the river which is to be turned over to them. I think I have called attention to enough facts to show the absolute bad faith of all of these Tennessee enterprises, and I am representing the people of the second district of Tennessee better than the gentleman from Tennessee is representing them when I insist that none of these bills should go through unless they contain a provision protecting consumers from exorbitant charges.

I know of no better illustration as to what unscrupulous water-power manipulators can do with a water-power proposition than the illustration furnished by the career of the Knoxville Power Co., of Tennessee. This company, I find, was organized under the laws of Tennessee in 1901 for the purpose of constructing a dam in the Little Tennessee River, near Knoxville, Tenn. In its career we have the first attempt to deliver the city of Knoxville and all of that territory to the Water Power Trust without any effort to protect the rights of consumers. A law authorizing the construction of this dam was approved by the governor of the State on March 15, 1901, and contained the provision that it shall be null and void if actual construction be not commenced within two years and completed within five years. This looked fair enough on its face. It became necessary, however, for this organization to employ attorneys, who succeeded in persuading the Tennessee Legislature to extend the franchise. Eleven years have passed since then, and the possibilities of the development of power in this river have been tied up, awaiting the pleasure of the Water Power Trust. Construction work is not even yet in progress under this franchise. The company now owning the franchise, however, has prepared plans, which have been rejected by the War Department, and are now engaged in preparing other plans.

At the time of the incorporation of the Knoxville Power Co. the gentleman from Tennessee [Mr. AUSTIN] was United States marshal for the eastern district of Tennessee. Prior to that time he had been Assistant Doorkeeper here in the House of Representatives. Therefore, in order to avoid wounding the sensibilities of the gentleman from Tennesee, I think I ought to state that if the gentleman from Tennessee exhibited any interest in this enterprise while he held that official position in Tennessee, the interest exhibited was not personal, but he was only interested in this river as United States marshal for the eastern district of Tennessee.

In 1906 the gentleman from Tennessee was appointed consul general of the United States at Glasgow, Scotland, and held that position for over a year, and resigned, as he tells us himself in the Congressional Directory, in 1907 to become a candidate for Congress in the second district of Tennessee. He was elected in the ensuing election and has been here representing that district ever since. If he exhibited any interest in the Knoxville Power Co. while he was consul general at Glasgow, Scotland, in order to avoid annoying the gentleman from Tennessee I think I ought, perhaps, to say that during that time he was not personally interested in this enterprise, but interested only as consul general at Glasgow, Scotland, and, of course after his election to Congress we have his own statement to the effect that he had no personal interest in the rivers of Tennessee and was only interested in them as a Member of Congress. Therefore, if I have made this matter sufficiently plain and have avoided unduly annoying the gentleman from Tennessee, after having made these concessions I think I ought to be permitted to proceed with a discussion of the activities of the Knoxville Power Co.

The Knoxville Power Co. had five incorporators. The records of the secretary of state of Tennessee do not give the post-office address of any of them, but the records of that office show that RICHARD W. AUSTIN was one of them, and unless the gentleman cares to deny it, I take it that it is the same RICHARD W. AUSTIN who now represents in this body the second district of Tennessee. The Knoxville Power Co. was conducted according to the most approved methods adopted by the greatest of our Wall Street financiers. The franchise granted by the State of Tennessee was obtained by the gentlemen interested in that company simply as a speculative venture.

They secured it for the purpose of turning it over to some great water-power corporation unscrupulously at a profit to themselves, paying no regard whatever to the vital interests of the people living in that part of Tennessee, and they finally succeeded in doing it. It is a singular fact in this connection that while the activities of the gentleman from Tennessee were limited to the State of Tennessee, and while he was there discharging his official duties as marshal for the eastern district of Tennessee, it was not possible to dispose of this franchise, and during the period of time that the gentleman from Tennessee officiated as United States consul at Glasgow, Scotland, 3,000 miles away from the Water Power Trust, it was not possible to accomplish anything in the matter of turning over these franchises to the Water Power Trust. But after the time in 1907 when the gentleman resigned his position in Scotland and came back to this country to become a candidate for Congress, the real and profitable activities of the Knoxville Power Co. commenced, and after the election of the gentleman to the Congress of the United States, and after he became interested as a Member of Congress in the rivers of Tennessee, it is a singular coincidence that the efforts to turn over this valuable franchise to the Water Power Trust, at considerable profit to its promoters, were crowned with complete success. This purely "local" enterprise was, during the years of the activities of the gentleman from Tennessee as United States marshal for the eastern district of Tennessee, given over into the control of Charles H. Treat, of Delaware and New York, Treasurer of the United States, who was during his lifetime prominently connected with large interests in New York City. He was assisted in his efforts by George H. Sullivan, who had been selected secretary and treasurer of the Knoxville Power Co.

Mr. Sullivan is a lawyer at 49 Wall Street, New York, and is a member of the firm of Cromwell & Sullivan. William Nelson Cromwell, Panama revolutionist, manipulator and manager of the French Panama Canal enterprise in the United States, was the other member of this firm. William Nelson Cromwell and George H. Sullivan will have nothing to do with things unless they are big things. Panama Canals and Water Power Trusts, national in their operation, come within the field of activities of this firm. Cromwell's direct affiliation with water-power interests is through the North American Co., of which he is a director. It will therefore be easily understood that prior to the commencement of Mr. Austin's membership of this body this purely local enterprise had been turned over to manipulators and managers of international reputation. Power was given to the Treasurer of the United States and to George H. Sullivan to sell this franchise. The sale, however, was not completed by them. Probably Panama Canals and other and larger enterprises kept the firm of Cromwell & Sullivan busy, and they had little time to attend to franchises in the Little Tennessee River. Although they claimed they tried to sell, they did not succeed in doing it, and no sale was made until after the election of the gentleman from Tennessee to this body. Just about that time, with the larger opportunities for usefulness presenting themselves, Charles H. Treat, George H. Sullivan, and RICHARD W. AUSTIN, who were already the directors of the Knoxville Power Co., were appointed an executive committee to dispose of the franchise of the power company to the very best advantage.

It is possible to produce at any time the admissions of the gentleman from Tennessee to the effect that he had been authorized to assist Charles H. Treat in disposing of this franchise, and it is possible also to produce evidence that Charles H. Treat—at the time he was being assisted by the gentleman from Tennessee—enlisted in this enterprise the firm of J. S. Kums & W. S. Kums, who are water-power bankers at Pittsburgh, Pa., and the gentleman from Tennessee will not deny this statement. It does not appear that the firm of Kums & Kums, of Pittsburgh, were able to accomplish definite results. But on the 4th day of May, 1910, long after the service in this body of the gentleman from Tennessee commenced, F. R. Weller, of Washington, D. C., a water-power lobbyist and promoter, became interested in this enterprise, and from that time on the matter progressed smoothly. The firm of Cromwell & Sullivan in New York do not appear to have been particularly successful. The water-power bankers of Pittsburgh do not appear to have accomplished much, but a Washington lobbyist and promoter, with the opportunities that a residence in Washington gives to lobbyists and promoters, was able to accomplish much, and in his efforts he was splendidly assisted by the gentleman from Tennessee, who, according to his own statement, at that time was interested in the rivers of his State, not personally but only as a Member of Congress. On the 4th day of May, 1910, Charles H. Treat, George H. Sullivan, and RICHARD W. AUSTIN gave to F. R. Weller an option to dispose of the holdings of the Knoxville Power Co. for $160,000. On the 29th day of August, 1910, the option was accepted by the Aluminum Co. of America, closely allied with the General Electric Co., the very largest of the six water-power groups in the United States, the same company which attempted recently in the State of New York to absorb the tremendous water-power possibilities of the rivers of northern New York, the history of whose operations is familiar to all students of water-power questions.

At a later date, on account of the misrepresentations made by the committee, of whom RICHARD W. AUSTIN was one, as to the title of the power company to certain lands along the Little Tennessee River, necessary for the development of this proposition, the option was modified and the selling price to the Aluminum Co. of America was reduced to $150,000, and the sale was finally consummated at that price.

It becomes interesting to know in this connection what the Representative from the second district of Tennessee, who is interested in the rivers of Tennessee only as a Member of Congress, got out of this enterprise, and I am able to furnish the proof as to how much he got out of this purely local enterprise, and to furnish proof that can not be contradicted.

Before the sale was completed Charles H. Treat, one of the executive committee making this sale, died, but the sale was completed by George H. Sullivan and RICHARD W. AUSTIN. After the money was turned over there was a disagreement between Mr. Sullivan and Mr. AUSTIN with Jerome Templeton, a lawyer of excellent standing in Knoxville, Tenn., as to the amount Mr. Templeton was entitled to receive on account of services rendered. Mr. Templeton appears to have been the attorney who procured, by methods that were perfectly proper, so far as I know, the extension of the franchise of the Knoxville Power Co. at the hands of the Legislature of Tennessee. His fees amounted to $7,500, and he accepted in payment part cash and enough class B bonds of the corporation to make up that amount, provided class B bonds were paid off at 60 cents on the dollar.

RICHARD W. AUSTIN represented to Mr. Templeton that class B bonds were paid off at 40 cents on the dollar, and having confidence in that statement Mr. Templeton turned over his bonds and accepted 40 cents on the dollar; and relying upon the statements of the gentleman from Tennessee Mr. Templeton receipted for his claim in full, although he received $1,500 less than the amount that was due him under his contract with the company. Later on it was ascertained that Mr. AUSTIN had

misrepresented the matter to Mr. Templeton and that class B bonds were really paid off at 60 cents on the dollar. Mr. Templeton thereupon brought suit against the Knoxville Power Co., George H. Sullivan, and RICHARD W. AUSTIN to recover the amount to which he was justly entitled and which he would have received except for the misrepresentations of the gentleman from Tennessee. This suit reached the Supreme Court of Tennessee and was on the docket at the September term, 1911, of that court at Knoxville, Tenn., and the matter was determined in the Supreme Court of Tennessee in favor of Mr. Templeton. Out of deference to Mr. AUSTIN'S public position the suit was so managed that no opinion was rendered in the Supreme Court of Tennessee, but the decree was merely modified so as to direct the payment to Mr. Templeton of the money of which he had been defrauded by the executive committee for the stockholders and the bondholders, of which RICHARD W. AUSTIN, of Tennessee, was a member, and was the active member so far as Mr. Templeton was concerned, as disclosed by the evidence in that case. After Mr. Templeton's fee and the interest on it and the costs were secured, Mr. AUSTIN'S attorney was permitted to prepare the modified decree in any way he saw fit, but the record in this case is on file in the Supreme Court of Tennessee at Knoxville, Tenn., and it discloses the facts I am about to relate.

A reference to page 179 of the transcript of evidence in that case will show that on the 9th day of September, 1910, the gentleman from Tennessee [Mr. AUSTIN] was at the Victoria Hotel, in the city of New York, requesting holders of bonds to send their bonds to George H. Sullivan, of 49 Wall Street, New York, of the firm of Cromwell & Sullivan, and that page of the record and prior and subsequent pages show how successful Mr. AUSTIN was in getting stock and bonds assembled in New York at the office of this great Wall Street firm of lawyers and promoters. Page 376 of the transcript of the evidence in this case contains a letter written by the Aluminum Co. of America to George H. Sullivan, notifying Mr. Sullivan and the other members of the executive committee that they had on the 29th day of August, 1910, deposited with their agents and attorneys, Strong & Cadwallader, at 40 Wall Street, New York, the sum of $160,000, to be turned over to Mr. Sullivan upon the delivery of the entire stock and bond issue of the Knoxville Power Co. The firm of Strong & Cadwallader have also an international reputation and do not deal with small things. This is the firm to whose Sugar Trust activities I have had occasion to call attention more than once on this floor. I have also had occasion to mention many times on this floor and before the great committees of this House the firm of Cromwell & Sullivan, and I regret exceedingly that the mention I have been able to make of these two great firms of promoters and lawyers has not been at all complimentary to either firm. I have never had occasion to take back anything I have ever said about either firm.

On page 45 of the transcript of the evidence in this case will be found admissions of record in the answer of Mr. AUSTIN that he was authorized to assist Charles H. Treat in making sale of this property at the time Charles H. Treat was trying to sell to the Pittsburgh (Pa.) water-power bankers. Mr. Sullivan admits the same thing.

I have called attention to enough facts easily substantiated to show that no Member of this House is on closer terms of business relationship with the representatives of the great Water Power Trust than the gentleman from Tennessee. The trail from his congressional office here in Washington, as disclosed by the record in this Tennessee case, leads to the office of F. R. Weller, of Washington, D. C., water-power lobbyist and promoter; to the office of Charles H. Treat, Treasurer of the United States, who during his lifetime was a water-power promoter; to the firm of Cromwell & Sullivan, dealers in interoceanic canals and water-power properties; to the banking firm of the Kums in Pittsburgh, Pa., water-power bankers; and to the firm of J. P. Morgan & Co., of New York City—the bank of the General Electric Co.

The transcript of the record of this case now on file in the Supreme Court of Tennessee will even show that Mr. AUSTIN conducted a part at least of his correspondence in this matter on the stationery furnished to him free from the stationery room of the House of Representatives. I have reached now the question as to how much the gentleman from Tennessee [Mr. AUSTIN] profited from this enterprise. The record in the case shows that he at all times insisted that the unsecured creditors should be paid in full, and his reason for insisting so strenuously upon this is due to the fact that he was an unsecured creditor himself.

In his answer in this case, as appears from page 50 of the transcript of the record, he admitted that the Knoxville Power Co. was indebted to him in the sum of $10,000. I think I might read now from an abstract of what the evidence discloses, printed for the use of the judges of the supreme court by Mr. Templeton in his suit against the Knoxville Power Co. I quote from the transcript furnished by Mr. Templeton in this case:

We refer again to the transcript, page 158, where the minutes of the stockholders' meeting of September 12, 1907, showed that series B bonds, then being authorized, shall be used in settlement of all other indebtedness of this company now existing or which may hereafter be incurred. (Transcript, p. 158.)

Mr. AUSTIN got $12,000 of that stock. (Transcript, p. 159.)

He got $5,000 of class B bonds. (Transcript, p. 142.)

His investment in this enterprise was the large sum of $21.50. (Transcript, pp. 349, 350–351.)

Again I quote from the summary prepared by Mr. Templeton in this case, showing the distribution of the $150,000 finally received from the Aluminum Co. of America.

A true statement would be as follows:

Total purchase money	$150,000.00
Deduct commission paid Weller	7,125.00
Balance	142,875.00
Deduct expenses of sale	6,149.92
Balance	136,725.08
Total amount paid out of first-mortgage bonds and class A bonds, which were paid in full, and the pro rata paid on class B bonds, according to Sullivan's testimony and exhibits put up	97,192.00
Leaving a net balance of	38,533.08

Which Sullivan and AUSTIN have divided between them, except that Sullivan shows that he has placed on special deposit, to cover any recovery in this case, the sum of $1,500; and he has a balance in bank of $1,160.39, making a total of $2,660.39, out of the purchase price of these securities, which has not yet been distributed.

I ought in justice, however, to Mr. AUSTIN to say that he did not receive the sum of $10,000, which he claimed was due him on account of his services, but on account of that item he does not appear to have received over $8,025. On the $5,000 worth of class B bonds held by him, and which the record shows were given him as a bonus, he collected 60 cents on the dollar, or $3,000 in all.

I have called attention to sufficient evidence, none of which can be contradicted or denied, to show that a Member of Congress, who is interested only as a Member of Congress in rivers, can, if his conscience permits him to do so, derive some considerable profit from a connection with an enterprise of this kind. Of course, the enterprises embraced in the bills introduced by Mr. AUSTIN, and now incorporated in this omnibus measure, are as yet only in a formative condition. The profits the promoters of these enterprises would be able to get from the water-power trust will depend largely upon whether or not this House requires tolls to the Government and provides for the regulation of prices to consumers. The promoters of these enterprises, whoever they are, and I am sorry it is impossible to find out even where many if them live, will not make as much out of these projects if the conditions we are insisting upon are attached to this bill. I submit that this body is interested not in the possible profits these promoters may get, but is interested in the protection of those citizens of the United States who may be consumers of the hydroelectric power generated by these companies, and this body ought also to be interested in protecting the Treasury of the United States. I think I can safely say, from the evidence I have so far been able to obtain, that these enterprises embraced in the bills of the gentleman from Tennessee are at least in the hands of and controlled by the friends of the gentleman from Tennessee. Speaking in this House in a carefully prepared address on the 19th day of July, the gentleman from Tennessee made this statement:

Mr. Speaker, if I am here as a Representative favoring a water-power trust which is seeking to take an unfair advantage of the American people, I have violated my oath of office. Not only that, but I have disgraced myself and am no longer worthy to be a Member of the House of Representatives. If I am guilty of this charge, and the gentleman from Illinois will produce his proof, I will tender my resignation as a Member of this House, for I will no longer be worthy of companionship or association with the honorable membership of this body. Neither would I be the kind or character of man who would be a fit Representative of the splendid people who sent me to Congress.

I do not ask the gentleman to resign from this body. He holds his commission from the electors of the second congressional district of Tennessee. I do not think, however, the cause of water-power conservation in Tennessee would suffer if the gentleman's connection with this House should cease.

If he should determine to resign I can assure him that those who remain in this body will be able to take care of the water-power problems presenting themselves for solution in a way that will be equitable and fair to the communities affected thereby, with due regard also to the Treasury of the United States. I am quite sure the rivers of Tennessee can be saved

for the people of Tennessee without the assistance of the gentleman who now represents the Knoxville district here, and who, with so much energy and with a generalship worthy of a better cause, is preparing to feed the towns and cities of his congressional district, bound and gagged, to that great Moloch of trusts, the growing water-power combination of the United States.

APPENDIX.

WATER POWER AND THE FUTURE.

[A paper prepared by Harry A. Slattery, secretary of the National Conservation Association.]

The water-power problem will sooner or later be brought home to every man, woman, and child and home in the Nation. As was said by a remarkable man many years ago, "Electric power will more intimately touch our domestic and industrial life than any factor known in all history." With the rapid development of electric transmission, the price of power will soon be "a controlling factor in transportation, in manufacture, and in household lighting and heating." And within a few short years the use of power will become a daily problem to the man on the farm, the woman in the home, and to the workman in the shop. It does not take vision or imagination of great length to see the day when the farmer will use power as his handy man. No better illustration of how intimately it will affect the farmer and even his product is shown than in the recent successful experiments in the manufacture of nitrate of fertilizer by electricity. In this country today, in South Carolina and in New York, plants with millions of capital have been built for this purpose. The relation of electric power to the household will grow closer with the coming years, and at no distant future electricity will be a telling factor in each household. The electric kitchen at West Point is wonderful, and is also an indicator of the future. In the industrial world, however, will come the most striking illustration of the revolutionary power of "white coal." Today we accept the statement of Edison that "canned power" will soon be a factor in the industrial world, and we do not question the statement of Tesla that at no distant date will come the transmission of electricity via wireless.

The whole country is to-day awakening to the terrible force of this unseen and unknown factor. Upon this question of the conservation of water power in the interest of the people and of the shadow of monopolization of water powers, the Nation has awakened. In the control of the agency of power has rested in every age the problems of humanity. The question of power—whether in wind, fire, or water—has intimately affected the relationship of man to man. As Kipling has shown in one of his graphic pictures, power has been the humanitarian problem of every age. As Mr. Bryan has tersely phrased it: "One who has not visited the Old World can not understand the landlord system there."

If you ask me what I regard as the greatest burden of the people of Europe, I reply "landlordism." In some of those countries the people are so situated that those who till the soil transmit from generation to generation the right to pay rent, with no possibility of ownership, while a few families transmit from child to child the right to collect rent, with no disposition to till the soil. I regard that as the greatest burden of Europe, and one of the blessings that we enjoy in this country is freedom from such landlordism as they have in the Old World. I know of nothing that nearer approaches the system of landlordism in Europe than the proposed giving away of these mountain streams in perpetuity to great syndicates, that through the years and generations to come could exact their toll from a toiling people. Therefore, when we consider the use of these mountain streams the first thing we must decide is that there shall be no perpetual grant of a water power. Who can tell what that right will be worth a hundred years from now? Look back 25 years. Who could have estimated then the value of water power to-day? Within the last quarter of a century we have had a development of electricity that makes it possible to carry for hundreds of miles power generated by falling water. If you visit Canada, you will find in the Province of Ontario great towers, carrying to the various cities the power generated at Niagara Falls. We are now in the very beginning of the use of electricity. No human being can measure the value of one of these waterfalls. What criminal folly, then, for this generation to barter away the sacred rights of posterity to syndicates and corporations. So it seems to me that one of the important questions to be decided in the conservation of our natural resources is that the principle of monopoly shall not be permitted in this country under a guise or in any form.

Let us insist that wherever and whenever a franchise is granted it shall be granted for a term of years, and that that term shall not be so long but that we can reasonably estimate to-day the value of it at the end of the term. No other principle is tenable in the discussion of this subject.

THE RAILROAD CONTROL OF POWER.

The statement that the railroads of the country are opposed to development of water power and fight efforts made to utilize streams of the country may bear serious questioning. In the report of the Commissioner of Corporations on the Water Power Trusts, on page 17, he states that the General Electric Co. has the widest influence in the sphere of electric development. On the board of directors of this company are several prominent railroad magnates, and no influence is greater in this company than that of the Morgan interests. J. Pierpont Morgan, Charles Steele, E. T. Stotesbury, of the firm of J. P. Morgan & Co., are directors of this company. Again on the directorates of the three large bonding companies who bond these water-power projects are found several prominent railroad magnates.

The Pennsylvania Railroad in the State of Pennsylvania alone, through water charters and water-power rights, have monopolized the powers in 15 counties operating through the American Pipe & Construction Co., a subsidiary corporation, and in 12 additional counties through direct control. It controls a total of about 100 companies, 69 incorporated and 37 unincorporated.

On page 171 of the Bureau of Corporations Report is shown that the Gould interests monopolize the Virginia field, controlling at present about 60,000 horsepower. Their commercial developed power is about 75 per cent of the State.

The New York, New Haven & Hartford road controls large power interests in New England. This company is rapidly electrifying its steam roads, and the New York, Westchester & Boston road, which is one of the great arteries into New York City, is operated by power controlled by this road.

Near all the great cities of the country, the railroads are securing power sites to operate their yard tonnage by electricity. This is true of this city, since a subsidiary company of the Pennsylvania Railroad has recently taken over several of the suburban trolley lines.

MONOPOLIES.

The statement has been made that there is no reason for fear of a water-power monopoly, and that the States in any event are able to take care of corporations within their borders. A reading of a letter of submittal by Commissioner Smith of his water-power report will convince any doubting Thomas that "our remaining water powers are fast passing into private control, making regulation thereafter very difficult." He shows very clearly that six great power corporations already control about 60 per cent of the total commercial water power (1,821,000 horsepower), and also a large portion of the undeveloped horsepower. These companies, by interlocking directors and interlocking interests, are clearly members of one family. This great water-power interest has been growing steadily for many years, and some of its growth is certainly due to congressional legislation. Of about 100 dam sites authorized by Congress since 1789 no less than 50 per cent can now be found under the control of the great water-power interests. In recent years Congress has granted sites which within a few months find their way into the hands of the water-power people.

But while this is true of national legislation in the granting of authority, the States have been the most flagrant violaters of disposal of water-power rights. As an example, Pennsylvania to-day awakens to the fact that her water powers have all been taken up, and by methods that are certainly questionable, to say the least.

Pennsylvania has granted charters to 1,856 water-supply and water-power companies; 969 are in active operation; 133 cities and towns of the State control their own water supply. The balance of the charters—1,623—are owned by corporations; 787 are not operated, now held to prevent competition or for future exploitation. Of the 836 owned by corporations and in operation the most valuable have been consolidated into 93 merger corporations, with 4 giant monopolies. Water rights in 13 counties of Pennsylvania have been secured by the coal companies on the plea that they needed the water for mining purposes, hiding their real reason—fear of the development of a cheaper power than coal. The Lehigh Valley Railroad and its subsidiary coal company controls 9 incorporated and 22 unincorporated water companies. Pennsylvania has a law to annul all water charters not used and put into actual operation within two years after they are granted. Unfortunately, Pennsylvania has another law, which says no charter shall be surrendered and no corporations dissolved until all back taxes owed to the State have been paid. The water companies holding charters for future exploitation say since they never operated they never acquired any assets, and therefore can not pay their taxes. Thanks to this conflict in the law, the State can not take back the 787 charters now being held for future exploitation or to prevent competition.

Half of the State's resources have been grabbed within the last five years, and some of the methods are interesting. A newborn water-power company would leave its swaddling clothes of $1,000 capital the day after the charter was granted to appear the next day grown to the size of a million-dollar company. For instance, the Green Tree Water Co. grew from a corporation of $5,000 in May, 1904, to a corporation of $8,000,000 in August of the same year. A few months afterwards this huge Allegheny corporation was made a subsidiary company of the American Water Powers & Guaranty Co. The South Pittsburg Water Co.'s charter of July 15, 1904, under the guise of supplying water to various towns in Pennsylvania, capital $50,000, developed on August 17, 1904, into a $5,000,000 corporation. This company also a few months later became a subsidiary corporation of the American Water Powers & Guaranty Co. In this State alone the fight of the residents in Chester and Montgomery Counties, in Johnstown, in Cambria, and in Blair Counties for a reduction of rates shows what can be expected of monopoly. It is interesting to note that President Roosevelt's veto message of January 15, 1908, covering the first report of the Bureau of Corporations, showed that 13 water-power companies controlled 33 per cent of the water powers of the country, whereas the recent report of March 14, 1912, of the Bureau of Corporations shows that six companies control 60 per cent. This is certainly concentration and centralization of a most unheard-of rapidity.

NECESSITY FOR WATER-POWER LEGISLATION.

The report of the Interstate Commerce Commission stating that the general dam act gives the Secretary of War authority to charge compensation, and the inference that must be drawn therefrom that no legislation is required on the subject is not the opinion of others who are somewhat familiar with the subject.

The Attorney General in his opinion of July 13, 1909, has handed down the ruling that the act of June 21, 1906 (34 Stat., 386), stating stipulations and conditions which may be imposed by the Secretary of War and the Chief of Engineers "are those which relate to navigation of the stream and the regulation of commerce therein and * * * that Congress did not by this act mean to authorize those officials to require as a condition to the license the payment of a sum or sums by way of compensation for the privilege granted * * *." It is also very evident the belief of the National Waterway Commission that the Secretary of War has no such authority. (S. Doc. 469.) On page 38 it states: "Present laws are inadequate because * * * [they are] in 'a most crude and unsatisfactory condition,' not being adequate either for proper Government control of these enterprises or adapted to encourage water-power development * * *." "Likewise in the case of navigable streams outside the public domain the lack of a fixed policy has left uncertain the extent and nature of the control which the Government intends to exercise * * *." Also on page 53 of the report, under "special recommendations," amendments are suggested to the general dam act.

MAY CONGRESS EXACT COMPENSATION FOR PRIVILEGES GRANTED?

The right of the Federal Government to require payment for the privilege of damming a navigable river to develop water power may be sustained on two grounds. The first was stated by Representative JOHN SHARP WILLIAMS on March 28, 1909. President Roosevelt's veto of the Rainy River bill was being discussed. "It is admitted that this power to erect dams in navigable streams can not be exercised by anybody except by act of Congress." Now, then, if it requires an act of Congress to permit any man to put a dam in a navigable stream, then two things follow: (1) Congress should so exercise the power in making that grant as first to prevent any harm to the navigability of the stream itself; and (2), so as to prevent corporations from securing through an act of Congress any advantage of private profit. Second, in his report of April 17, 1908, Secretary of War Taft moved, "In

the execution of any project and as incidental to any inseparably connected with the improvements of navigation and power Congress stands for the regulation of the use and development of the waters for the purposes subsidiary to navigation." If Congress can impose conditions in a permit to build a bridge across navigable waters (permit bill to bridge over Arthur Kill River between New Jersey and Staten Island) it can impose the same for dam sites. (Stockton *v.* Baltimore Co., 32 Fed., 9; Clinton Bridge, 1 Woolworth, 150; Canadian Southern Railway Co. *v.* International Bridge Co., 8 Fed., 190.)

It is not possible to distinguish between the condition contained in these grants and conditions requiring compensation for water power. It may be said that the distinction is between those relating to interstate commerce and otherwise. The price the Government would pay for the transportation of mails or troops is fixed by agreement and not by promise, and is in no sense a regulation of commerce. Many other cases and illustrations present themselves, which do not concern navigation—overflow, fish sites, pollution of streams, and bridges.

That this is the opinion of the present Secretary of War is conclusive from his report. Secretary Fisher, in hearings before the National Waterways Commission, states: "* * * But I think that if any principle is established in our law now as a fundamental principle it is this: That where a governmental agency, not wholly ministerial, is given the right to grant or withhold its assent to the doing of a particular thing, it has the right to attach such conditions to that assent as it sees fit in the public interest. I think that is a broad principle which is established now by the decision of the courts. Applying that to the navigable waters, it is my opinion, as a legal proposition, that the Federal Government, having the right to grant or to withhold its consent to the construction of a dam or other means of creating hydroelectric power in that stream, has the right to attach conditions and any conditions that it thinks are in the public interest. I think it is not confined to conditions in the interest of navigation."

The veto message of President Roosevelt on the James River Dam, transmitting the opinion about the Solicitor General, which asserts the constitutional power of the Federal Government to impose a charge for licenses to dam navigable rivers for power purposes. This opinion is admirable and unanswerable. (H. Doc. 1350, 60th Cong., 2d sess.)

On page 43 of the National Waterways Commission Report (1912) the constitutional power of Congress to control water courses goes thoroughly into the question, and is of the opinion that the Federal Government has the authority.

Mr. RAINEY. Mr. Speaker, how much time have I left?

The SPEAKER. Nineteen minutes.

Mr. RAINEY. I reserve the balance of my time.

The SPEAKER. The gentleman from Tennessee [Mr. AUSTIN] is recognized for 54 minutes.

Mr. AUSTIN. Mr. Speaker, no other character of speech could have been delivered by the Member from Illinois [Mr. RAINEY] in this House, because he long since established his reputation as a defamer of public men. Not only in my case, but months ago upon the floor of this House he was daring enough and reckless enough to assail the brother of the President of the United States, Hon. Charles P. Taft, and other public men and high officials, and later on was unable to furnish the proof. And, true to his instincts and his reputation, as shown in my case, he was too unmanly to make a retraction after failing to sustain his charges.

I am sorry that, quoting at the close of his speech from a recent address of mine, he stopped short and did not read the following:

> A brave, honest, and manly man, one worthy of a place in this House, one entitled to the respect and confidence of his congressional associates, will not misrepresent or slander a fellow Member. This is no place for a corrupt or unfaithful Representative, nor is this a suitable place for a man who is the author of a slander or of falsehood against one of his colleagues.

This controversy between the Member from Illinois and myself commenced more than a month ago, when the Unanimous Consent Calendar was called and when a purely local bill, with a unanimous report from the Committee on Interstate and Foreign Commerce, every member of which is a peer of the Member from Illinois [Mr. RAINEY], was reached on that calendar. The Member from Illinois objected. I asked him in a courteous way to withhold his objection until I could make an explanation, and that courtesy was denied me by the Member from Illinois. I have been here only a brief time—three years—but I have never known in this House before a fellow Member to deny that courtesy or right of a colleague to explain a local bill. And I do not envy the Member from Illinois for being the only Member in this House that would withhold such a courtesy from a colleague.

Later on he said, when I objected to his publishing certain articles in the RECORD in answer to the speech of the gentleman from Wisconsin [Mr. BERGER] that he did not object to a man objecting to his request who spoke for a Water Power Trust. And, displaying his usual recklessness, he now makes the false and baseless charge that the trail from my congressional office here leads to the office of F. R. Weller, of Washington, to the office of Chas. H. Treat, Cromwell & Sullivan, Kums, of Pittsburgh, J. P. Morgan & Co. In reply I will say that Mr. Weller has absolutely no interest in any Tennessee dam bill, that Col. Treat has been dead about three years, that I never in my life had any dealings with J. P. Morgan & Co., or the Kuhns, of Pittsburgh, of any character; never met them or ever heard from them and never had a word or a line with Sullivan & Cromwell or the General Electric Co. about any water-power bill or other measure pending in Congress.

Now, let us see. There are three bills in reference to damming the Clinch River. One is in the interest of the Tennessee Hydro-Electric Co., a Tennessee chartered company, and the Member from Illinois says that one of the charter members is the United States district attorney, who holds his position by virtue of my will and indorsement. The district attorney, Mr. Cox, hails from the first congressional district of Tennessee, and owes his appointment to my late colleague, the Hon. Walter P. Brownlow.

The Tennessee Hydro-Electric Co., with John R. Paull, of Pittsburgh, at the head, asked me to introduce this bill. That request was not only backed up by the United States district attorney at Knoxville, Tenn., but Judge J. H. Wallace, of Anderson County, Tenn. I requested Mr. Paull to give me references, for he was a nonresident and a stranger, and he gave me the two Representatives in Congress from his city or home, namely, Mr. DALZELL and Mr. BURKE, and Senator OLIVER, of Pittsburgh. I did not introduce that bill until I had consulted those gentlemen about Mr. Paull's reliability and standing and ability to carry forward his enterprise. I did more, Mr. Speaker. I asked the direct question of the Senator from Pennsylvania, Mr. OLIVER, if Mr. Paull had any alliance or connection with a water-power trust, and his answer was in the negative. I thought, Mr. Speaker, I could safely take the word of my worthy colleagues in this House, Mr. DALZELL and Mr. BURKE, and the honored Senator from Pennsylvania, Mr. OLIVER. The local men in Tennessee have standing and reputations as men equal to the standing and reputation of the defamer from Illinois in his district just beyond Springfield.

This company proposed to save the Government of the United States the expense of improving the Clinch River for navigation, a project already recommended by the district engineer and approved by the Board of Army Engineers, whose duty it is to pass upon the reports of the local or district engineer. Ten years ago the district engineer was directed by Congress to survey that river for the purpose of looking to its practical improvement, and the survey and report provide for a lock-and-dam system, slack-water navigation for 75 miles, and at an expense of $1,400,000, not counting the cost for overflowed and destroyed farming lands.

Labor and material have greatly advanced since that report was made. The valuation of the bottom lands along the Clinch River have also enhanced. This company has proposed to construct those dams, not as recommended by the district engineer, as cheap or cribbed dams, but as concrete dams. They propose to expend over $2,000,000 on the construction of concrete locks and dams and to pay for all overflowed lands, and maintain at their own expense the operation at all times of the locks and dams and relieve the Government of that expense.

I believe that would be a fair consideration for the right to use the water power on 75 miles of that river. Practically every business organization in that congressional district for more than 20 years has clamored here before the Committee on Rivers and Harbors for the improvement of that river, and this private company, under the general dam act, would have been required within three years to complete the work and provide slack-water navigation of that river.

What would it do or accomplish? It would tap the great coal fields of east Tennessee and place our mines upon cheap water navigation and open to our coal operators and miners that new and valuable coal field along the lower Tennessee River and the Mississippi River. The coal field of my district is 300 miles nearer New Orleans than are the coal fields of western Pennsylvania, and yet Pennsylvania supplies that market with coal, and the district I represent is entirely shut out, because the railroad transportation is $2.25 per ton.

Now, here was an enterprise which not only meant a new and valuable field for the sale of our coal, but for the shipment of pig iron from the district I represent to St. Louis, Cincinnati, Louisville, and other points by cheap water navigation. It meant the development of a new and promising zinc field along that river. What else? The gentleman from Illinois talks about the interest of the city of Knoxville. Knoxville is paying and has paid since the opening of our coal mines, beginning with a dollar a ton, down to transportation charges of 50 cents a ton to-day for every ton of coal used in its manufacturing plants, hauled 30 miles; and with the development of this river it means a reduction of 25 cents a ton on every ton of steam coal from the coal fields, and more than 30 cents on every ton of domestic coal used by rich and poor alike in that city.

Now, what was the other or second bill? The gentleman who represents the Indianapolis, Ind., district here, Mr. KORBLY,

sent me the second bill in the interest of one or more of his constituents, with the request that I introduce that bill, known as the Clinch River Power Co. bill. I asked Mr. KORBLY about the character and reputation of the men back of that bill, and when I received his favorable and satisfactory indorsement of them I introduced the bill. If that bill is in the interest of a Water Power Trust, then the Representative of the Indianapolis district misled me. But I would much rather believe that the Member from Illinois [Mr. RAINEY], as usual, misrepresented and traduced the gentleman from the Indianapolis district. That bill proposed to give Mr. KORBLY's constituents, who, he said were worthy and deserving and not in touch with the Water Power Trust, permission to build a dam above and beyond that portion of the river where the district engineer states it would not pay the Government, and he would not recommend that it be improved for navigation purposes.

Now, what is the third, or last, bill that the gentleman complains about being introduced in the absence of my colleague, Mr. SELLS. It is a bill to give certain citizens in the town of Morristown, Tenn., the right to build a dam across the Clinch River. Every man mentioned in the bill is a leading and reputable citizen. One is the mayor and president of one of the leading banks of Morristown. They decided they could build a dam on the Clinch River and erect a power plant and reduce the cost of light, heat, and power, and bring relief to the people of the enterprising town of Morristown. Yet the gentleman says they are all interested in a Water Power Trust. Now, when one of those gentleman, W. C. Hale, with his attorney, Col. John P. Holloway, interviewed me, my colleague Mr. SELLS, was absent in Chicago, looking after his contest before the Republican national committee. I said, "Gentlemen, this dam will be located in Mr. SELLS's district, and in his absence I can not introduce it." I suggested that they should wait and see Mr. SELLS on his return from Chicago.

Being personal friends of Representative SELLS, they said if I would introduce the bill, for they were in a hurry about the matter, and desired action before Congress adjourns, they would make it all right with Mr. SELLS. With that understanding I introduced the bill; but when I found that my colleague [Mr. SELLS] was opposed to it, because he thought it would injure him in his district to permit another Representative from an adjoining district to secure this water power, located in his district, for men who were not his constituents, but were mine, I told him I would not attempt to pass it, and so notified the chairman of the Committee on Interstate and Foreign Commerce.

And yet the Member from Illinois [Mr. RAINEY], who is trained in the school of vituperation and misrepresentation, and who seems to glory in making a reputation for slander, suspicion, and innuendo against men in high or official life, sees in it a great Water Power Trust.

Those are the three bills that the gentleman talks and rants about. Now, what else? Why, the gentleman has published his speech in pamphlet form, sending thousands of copies throughout his district. It contained only the first speeches he and myself made; but he did not publish all of the controversy that took place on the floor of the House with reference to these water-power bills. He omitted my last reply. And he was so proud of what he had said about these so-called "water-power steals" that he published on the first page these words:

If I have succeeded in making it odious upon the floor for any man to represent any of these water-power steals.

Now, there are 11 of these bills, and the gentleman was referring to them; not to mine alone, but all of them as "water-power steals." Well, who are the other great criminals besides the Representative from the second district of Tennessee who would father and urge a water-power steal? Here is the roll: Representative RUSSELL, from Missouri; his colleague, Mr. SHACKLEFORD, from the same State; the eloquent and brilliant leader on that side, Hon. J. THOMAS HEFLIN, of Alabama. Then there is good, steady, honest FLOYD of Arkansas, and the able and popular chairman of the Committee on Naval Affairs, from my own State, Mr. PADGETT. There is a recent addition to this House from a Republican district in Iowa in the person of Mr. PEPPER. He is back of one of these "steals." JOHN W. WEEKS, of Massachusetts, and myself. There are six Democrats and two Republicans. We are all either innocent or all guilty of Mr. RAINEY's charge. This House is composed of almost 400 Members. There is not a man on the floor of this House who would attempt to impeach the honor and integrity of these men, except you—except you, and I do not envy you for standing out alone and believing all men are dishonest but yourself.

The SPEAKER. The Chair will suggest to the gentleman that he must not use the personal pronoun "you."

Mr. AUSTIN. Well, the Member from Illinois who represents a district almost within the shadow of the home of the great Abraham Lincoln.

Now, Mr. Speaker, the gentleman talks about my room being headquarters for the Water Power Trust. Mr. Pauli has been in my room. These two men who came from Morristown, Tenn., also called to see me. Who else? Why, a man the Member from Illinois in one of his speeches here denominated as a "lobbyist" for the Water Power Trust called. I did not invite him, and I did not insult him. He was the same man that Mr. RAINEY dined with at Harvey's the night before he voted for this man's water-power bill in the House on July 25, 1912. What was that bill? It was the White River bill, the Dixie Power bill. You voted for it. Before voting for it you denominated him in your speech as a "lobbyist." What else did you do? You corrected your speech and published in the RECORD not that he was a "lobbyist," but "a very pleasant gentleman."

The SPEAKER. The Chair has admonished the gentleman that he must not use the pronoun "you"; that is against the rule.

Mr. AUSTIN. I mean the Member from Illinois. Now, what was the White River, or Dixie Power, bill? I voted for it because it meant the development of Arkansas. The gentleman from Illinois [Mr. MANN], the leader on this side, who was for many years chairman of the committee having before it this character of legislation, denominated that bill worse than any of these bills which Mr. RAINEY has denounced. The Member from Illinois [Mr. RAINEY] voted for it. He did not vote for it until after he had spent an evening with a "water-power lobbyist."

Now, the President in his veto of the White River, or Dixie Power, bill said that the bill did not propose to spend any money for a lock and dam that would improve navigation as my bill provided. It proposed to give the Dixie Power Co. the right to build a dam above where the Government had already constructed a number of dams without any compensation at all, and yet the Member from Illinois has repeatedly said that he would stand in this House and object to every one of these bills and not a one should pass until compensation was provided for to the National Government; and the White River, or Dixie Power, bill that the Member from Illinois stood up and voted for—for I saw him—did not provide for the payment of a farthing to the National Government or the State of Arkansas. The President of the United States gave as one of his reasons for vetoing that bill, as contained in his message, the following:

The bill also fails to reserve to the Federal Government any right to receive from the grantee of this privilege any compensation therefor.

Why did the great defender of conservation legislation in this House fail, when we were considering the White River, or Dixie Power, proposition, to vote against it when he knew it carried no compensation for the Government?

The Member from Illinois made a speech on my bill and other bills in which he stated that we ought to know in advance how much power is to be generated and how valuable the franchise is we are about to give away to private companies—to the so-called Water Power Trust. Did he stop to make this same inquiry before he cast his vote for the White River, or Dixie Power, proposition? No; he did not need or care for that information. Why, when the Member from Illinois objected to the consideration for unanimous consent on five or six of these bills he said:

I had no feeling against the gentleman and have none now, nor have I against his bill or against any gentlemen who present any of these bills and who appear here as the proponents of any of them, but I blocked every one of them, and in blocking them on that day I saved the Government at least $25,000,000. I want to serve notice on the gentleman from Tennessee and upon everybody else who is interested in these private power bills, or rather whose friends are interested in them, that I propose to block on this floor every one of them as fast as they come up and to fight every one of them until some policy is adopted by this Government whereby a portion of these revenues can be saved for the Government and used for the purpose of developing these rivers and protecting the adjacent lands from overflow.

That speech was made on the 19th day of July. On the 25th of July, six days later, the Member from Illinois did not attempt to block the White River or Dixie power proposition, which carried no compensation to the United States Government. In the speech preceding his vote he made an ingenious argument to show that the Ozark Power Co. of Arkansas had already acquired a number of these power propositions, and that it might be possible that they would acquire the Dixie Power Co. proposition and form an Arkansas power trust. If he believed that danger to the people of Arkansas was lurking in that legislation, why did he not rise in his wrath and power and protest, fight, and vote against it? Let him answer.

Let us see about conservation. Why, the gentleman complains about the dam at Keokuk, Iowa. Some of the 28 mining companies in his district had been shipping coal to St. Louis, and the Keokuk Co. was granted the right to construct a lock and dam on the Mississippi River when the gentleman was in this House, and it went through without objection. The Keokuk Power Co. has entered into a contract to furnish 66,000 horsepower to the city of St. Louis, where 80 per cent of the present coal for making steam comes from the State of Illinois and some of it from the gentleman's district. The Keokuk Power Co. has entered into a contract to furnish the said 66,000 horsepower at a cost of $18.75 per horsepower. What does it cost to make power in St. Louis from coal from the gentleman's State? It costs $49.60 per horsepower. There is an actual saving per horsepower of $30.85, or a total saving of $2,036,000 a year to the people of St. Louis.

Is it not worth something on the lines of progressive legislation to save the people of a great interior city like St. Louis $2,000,000 annually? What else, Mr. Speaker? There are two or three different classes of people in this country who are blocking legislation for the development of water power. First the political demagogues and muckrakers. Second, those that honestly believe in conservation. I give the latter credit for their honest belief and opinions, but I think they are wrong in some respects. Why? If the Tennessee Hydro-Electric Co. develops 10,000 horsepower on the Clinch River and sells it in Knoxville and you impose a Government tax of $1 per horsepower, you are fastening a tax upon the people I represent of $20,000 a year, and under the general dam act, the lifetime of the franchise being 50 years, in 50 years you have made the people of my district pay into the National Treasury $1,000,000, and the Representative from Illinois wants that million dollars put into the National Treasury to be used and divided among all of the States of the Union, and the ninety-odd millions of people.

In other words, people in a city of 85,000 inhabitants in Tennessee must pay a tribute into the National Treasury of $1,000,000, to be placed to the credit of everybody in the Republic. The Member from Illinois does not require the coal men of his district to pay tribute or a tax to the State or the National Government for every ton of coal that creates power. You do not by law of Congress or of the State of Illinois say to the people who sell steam coal, "You can not sell it without paying the State or the Government a tax of $1 per horsepower," and you do not regulate or fix by law the price of steam power. How much coal would be saved by the construction of this dam at Keokuk, Iowa, and in filling its St. Louis contract? One million five hundred and eighteen thousand tons every year saved by the construction of one dam on one order or contract alone! There would be that much in coal saved and $2,000,000 saved annually to the people of St. Louis. Yet there are men in this House who are blocking and preventing water-power development every day. They claim to be progressives. They claim to be working and laboring in the interest of the people, and yet they are preventing the duplication all over this country of what we have at Keokuk, Iowa. By the construction and development of water-power plants in this country we can duplicate in the saving of coal and money all over this country what we are doing at St. Louis. The gentleman's colleague from Chicago, Mr. GALLAGHER, made an elaborate speech here about the water-power development of the Illinois River, and in it he stated that as a result of that development power was being sold much cheaper in Chicago. Shall we by our action block the development of the water-power interests of this country and continue to pay exorbitant prices for coal in Illinois and exhaust our coal supply, when we could save it for the domestic users in years to come?

Mr. Speaker, Congress gave to that company 200,000 horsepower for nothing, except to improve the river. How will a company in my district compete in furnishing power to a manufacturing plant if you are going to impose a dollar tax on every horsepower developed at or near Knoxville, Tenn., and make no charge at Keokuk, Iowa, or at Hales Bar, on the Tennessee River below Chattanooga, where Congress gave certain power companies the right to build the locks and dams without compensation to the National or State governments?

Mr. Speaker, now permit me to get down to a personal matter. The gentleman has represented his district in Congress for about 10 years. He has read to the House something in connection with the Knoxville Power Co. He wants to weave a web of suspicion about me because I resented the action of the gentleman in unjustly and untruthfully charging me with representing the Water Power Trust. He says in discussing the Knoxville Power Co. that I was unfaithful to the interests of Knoxville and wished to bottle up that city with a Water Power Trust. Why, after all of that litigation, which is a personal matter that the gentleman drags in here, seeking to injure me with my colleagues; after it was thrashed out in the courts and used in the campaign by my political enemies the city of Knoxville, ordinarily with a Democratic majority of 600, gave me a majority of 1,000 in the last election, and I carried 9 of the 10 counties in the district, and if the gentleman will canvass my district and make this same speech he has just delivered to the people that I know, and among whom I have lived since boyhood, if my majority is not 10,000 I will return the certificate of election.

The Member from Illinois makes addresses in the Chautauqua course, and a gentleman from Iowa stated a few days ago, after hearing one of those speeches, he felt humiliated that such bad and corrupt men were in Congress as were depicted or described by the Member from Illinois. There is as much honor here as anywhere on the face of this earth. I will compare the standing and incorruptibility of every Member of this House with that of a like number in any State in this Union, in any country in the world, in any deliberative or legislative body. With all these splendid Representatives of the American people, I am sorry to admit that there is one among them who can see suspicion and wrong and evil doing among those with whom he has associated here in the House of Representatives for the past 10 years. Mr. Speaker, I was one of the incorporators of the Knoxville Power Co., and had the gentleman come to me or sent to me I would have given him every particle of information about it. My life is an open book, and I have repeatedly said in every campaign I have made that if my enemies would point to a single dishonorable deed or act, I would quit the campaign and retire to private life.

If they would name where I had ever broken faith or promise with a friend or betrayed a trust, I would quit for all time. No man has ever yet accepted that challenge, and I made that statement in 150 speeches in one campaign, and I believe I can live and be happy whether the Member from Illinois [Mr. RAINEY] believes in my honor or not. The Knoxville Power Co., Mr. Speaker, was organized more than 12 years ago. I found through a local engineer that there was a magnificent water power on the Little Tennessee River. Congress, under the law, had nothing to do with that river. The Secretary of War stated that the right to dam that river vested with the State of Tennessee. The law at that time was to this effect, that if a navigable portion of a river was in more than one State then Congress had exclusive jurisdiction to say whether a dam should be constructed upon it, but if the navigable portion of a river was wholly within the boundaries of a single State the State legislature alone had the right to say whether a dam should be constructed upon it. And with that decision of the Secretary of War and a copy of the Federal statute itself we went to the Tennessee Legislature and obtained the right to put a dam across that river. That law said after we obtained this consent of the State of Tennessee, before we could actually begin the construction of the dam, we must have plans, maps, and specifications submitted to the Secretary of War for approval. We bought up the lands upon both sides of the river for seven and a half miles. The gentleman says I put $21 into it. Oh, I was very poor in those days and expect to be poor as long as I am in Congress, but if these hands ever touched a dishonest dollar, God knows that I was unconscious of it.

I worked for 10 years on that proposition, and as a resident director and attorney I purchased the lands and examined titles, made any number of trips to enlist eastern or foreign capital, for we were too poor and our people of wealth did not understand the value of that proposed development. That is how I spent 10 years trying to put that proposition through. Well, finally, after my election to Congress, Mr. Francis R. Weller, a civil engineer and a reputable citizen of this city, with an office in the Hibbs Building, called to see me. I never heard until to-day that he was a water-power lobbyist, but I did not have on the spectacles through which the gentleman from Illinois looks. However, he was an engineer and wanted an option on the property of the Knoxville Power Co. at $160,000. We gave it to him. The property was sold to the Aluminum Co. of America. That is not a water-power trust; that is a great industry owning thousands of acres of aluminum ore in Georgia, Alabama, South Carolina, and Arkansas. They had shipped their bauxite or ore from the South to the St. Lawrence River to have it treated. They desired water power in the South and they examined a number of others and finally bought ours. They purchased it for $150,000, and out of the 10 years' service the directors of the company who owned a controlling interest agreed at a meeting I was entitled for my services to $10,000. I happened to be an indorser for Charles H. Treat, president of the company, formerly United States Treasurer, who had died before the deal was made. I was, unfortunately, an indorser on his paper, and, if the gentleman wants to know

more of my personal affairs, every month after meeting my necessary expenses I turn the balance of my salary over to meet those Treat notes. Deducting my loss as Treat's indorser, I came out ahead $5,000 after working on this enterprise 10 years.

I am bringing into the district I represent the largest aluminum plant in the world. They are going to expend over $20,000,000 and give constant employment to over 1,000 men and build on the banks of the Little Tennessee River a great manufacturing city. Now, there is one county—Blount—in the district I represent which has been against me, and that is the county in which this plant is to be located. That was one of my banner counties in the last election because the people of that county believed I had performed a great act for the development of that section in locating the aluminum company in said county, but yet, in the eyes of the Member from Illinois [Mr. RAINEY], I have committed a great and grievous wrong against the people whom I represent. Why, he says I misrepresented and attempted to delude the aluminum company in the sale of the Knoxville Power Co.'s property. I am an awful man in his opinion. He says one tract of land we had an option on that we included at $10,000 the aluminum company discovered we did not own. Col. Treat, the president of our company, died, and we did not know until after his death, when we came to examine the title papers in his custody, that he had failed or neglected to secure an extension of the option. Under the terms of the sale we guaranteed title to all the lands, and when we discovered that on this one tract we could not pass title a satisfactory adjustment was made, and this is the first intimation of a deception or fraud, and the officers of the aluminum company will, if called up, in my opinion, repudiate and denounce the false charge of the Member from Illinois that any attempt or effort was made to mislead or deceive them by me or anyone else in this matter. And yet a great crime was committed, and "the gentleman from Tennessee should resign or be retired from Congress."

Mr. Speaker, how much time have I left?

The SPEAKER. Seven minutes.

Mr. AUSTIN. I reserve seven minutes, Mr. Speaker. [Applause.]

The SPEAKER. The gentleman from Illinois [Mr. RAINEY] is recognized for 19 minutes.

Mr. RAINEY. Mr. Speaker, the gentleman from Tennessee has taken up considerable time on this floor defending himself along perfectly immaterial lines. He refers to the fact that on this floor I once characterized these attempts to grab off water power in these States as "water-power steals." And he calls attention to the gentleman from Tennessee and to the gentleman from Iowa [Mr. PEPPER], authors of these bills, and to other gentlemen who have introduced these bills in this House, and then asks this House to say whether or not they would steal anything. He then defends his position and his connection with these bills by calling attention to these gentlemen and saying they will not steal. Why, of course, they would not steal.

Over here in the State of Pennsylvania the legislature has given away every available water-power site—1,688 of them in all. One hundred and thirty-three of them are owned by towns and cities, and the rest of them by corporations, and those corporations are holding inactive about half of them. These Pennsylvania charters all the way through provide that if work upon those propositions is not commenced within a year and finished within three years, and power delivered within three years, the charters shall be forfeited and the corporations dissolved. But they have there another law in Pennsylvania which provides that you can not dissolve a corporation until it pays the taxes due the State, and when they try to dissolve those corporations the corporations say, "You can not dissolve us under this law, for the reason that we have not paid taxes; and we have not paid taxes because we have no assets; and we have no assets because we have not developed these properties." Therefore, in this great State you can not dissolve these corporations and forfeit these charters. And so for future exploitation they hold over there in that State nearly one-half of all the water-power possibilities of the State, and the State is delivered over absolutely, bound hand and foot, to the Water Power Trust.

Mr. OLMSTED. Will the gentleman permit a question?

Mr. RAINEY. I prefer not to do so. I have only a short time remaining.

Mr. OLMSTED. I wish to say that any company there that does not begin its work in one year and does not complete its work in three years forfeits its charter.

Mr. RAINEY. So I stated, but you do not forfeit it because they do not pay taxes. I do not understand the law of Pennsylvania as well as the gentleman from Pennsylvania, but I think if the gentleman will look it up he will find I have correctly stated the situation in his State. Is not that a steal? All operations of that character are, from a standpoint of good morals, wrong, and when I refer to these matters as steals I do not say any of these gentlemen would commit larceny under any circumstances. Why, of course, they would not. The gentleman occupies a very large part of his time here defending the moral standing of the incorporators of these two companies in Tennessee for which he has introduced these bills, and the moral standing of the gentlemen from Morristown, Tenn., for whom he has introduced that bill. Those gentlemen are all of the very highest standing in their respective communities. I have not the slightest doubt about it, but that does not protect the State of Tennessee or the National Treasury. The heads of all the great law-defying trusts in this country are law-abiding men. Their character is the very best. Why, some of them officiate as teachers in Sunday school classes, some of them give away libraries, and yet they are engaged in robbing the people of the United States. [Applause on the Democratic side.]

I discussed his schemes down there, not from the standpoint of the personal morality of the incorporators of those companies; I did not question that. I examined those Tennessee projects from the standpoint of the solvency of the men who are asking for these franchises. And I examined them in that connection in order to call the attention of this House to the fact that they were speculative, and that these men, who are worth almost nothing at all, according to Dun and Bradstreet, none of them over $10,000, except the banker who lives in Pittsburgh—these men could not finance a thing of this kind.

These attempts are speculative, and the gentleman knows it. They obtain these franchises for the purpose of selling out, just as in 1901 the gentleman from Tennessee [Mr. AUSTIN] and his associates obtained the franchise to dam the Little Tennessee River for the purpose of selling it out and for no other purpose, and they did it. It was speculative; they sold it out to the Aluminum Co. of America, which is engaged in manufacturing, as the gentleman states. The General Electric Co. is also engaged in manufacturing, and it is the greatest water-power trust in the United States. The Aluminum Co. of America was trying recently to acquire the right to absorb the water-power possibilities of the St. Lawrence River, but the State of New York would not permit it. The Aluminum Co. is a $30,000,000 corporation, the largest single holder of water-power possibilities in the United States, and it is closely allied with the General Electric Co. The deposit of these bonds, the activity of the firm of Strong & Cadwallader, the assistance of J. Pierpont Morgan & Co.—the bankers of the General Electric Co. in the Knoxville Power Co. matters—all these facts show the close alliance of the Aluminum Co. of America with the General Electric Co. I called attention to these facts, and the gentleman, in his reply, touches lightly upon that phase of the question. I reviewed the history of the Knoxville Power Co. for the purpose of showing the possibilities of speculation in these propositions. I proved—and the gentleman himself in his answer has not denied—that he had a claim against thatcompany of $10,000 and that he afterwards obtained on that account $8,025. I called attention to a court record to show that the gentleman from Tennessee [Mr. AUSTIN] and Mr. Sullivan, of the firm of Cromwell & Sullivan, divided a little over $38,000 as their share of the profits, and that the gentleman from Tennessee held in that company $5,000 worth of class B bonds given him as a bonus, and he got 60 cents on the dollar on this $5,000 of bonds when the settlement was made.

During all this time the gentleman has not been practicing law. He was United States marshal for the eastern district of Tennessee and consul of the United States at the city of Glasgow, and then a Representative in this body.

The service rendered to the Knoxville Power Co. by Mr. Sullivan and the gentleman from Tennessee consisted in this, and nothing else: In the attempt to sell out that company to some great financial institution or concern, and finally the attempt was successful, to the tremendous profit of both of these gentlemen. And I undertake to say that there is no Member of this House who, during his membership in this body, has had better opportunities, as disclosed by this record, to get into close personal touch with representatives of the Water Power Trust. I do not seek to weave any web of suspicion about the gentleman from Tennessee. I have only stated the facts as disclosed by a court record, and I called attention to it on this floor to show how a private company can profit out of these water-power franchises.

Now, in order to throw discredit upon me the gentleman states that I voted in this House for the Dixie power proposition over there in the White River country in Missouri. I

did not vote for it. On the contrary, the record of this House will show that for nearly all one afternoon my colleague from Illinois, Dr. FOSTER, and myself fought on this floor the Dixie Dam proposition because it did not contain these two features—protection to the consumers and tolls to the Government—and finally when the time came to vote on the proposition my colleague from Illinois and myself consulted here upon this floor, and we said the amendments put on that bill by the Senate made it a better bill than the House bill. We said, "We do not want to defeat them." The proposition came on here on a report from the conferees, and the report of the conferees made it a better bill than it was, in our judgment, when it left the House. The question was whether we would defeat the report of the conferees or stand for the bill as it left this House, and all of us on this side of the House voted, as nearly as I can tell—those who voted at all—for the report of the conferees on the Dixie power bill.

Mr. MANN. Mr. Speaker, will the gentleman yield there?

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

Mr. RAINEY. Yes.

Mr. MANN. I understood the gentleman to say that he and our colleague, Dr. FOSTER, fought all the afternoon against that bill.

Mr. RAINEY. We discussed it for a long time here, I will say to my colleague, and——

Mr. MANN. Not the original bill.

Mr. RAINEY. The contest was over the report of the conferees.

Mr. MANN. Only when the report of the conferees came back. I think the gentleman inadvertently said he and his colleague voted against the bill. When I called for a division—and that was the only time it was discussed—there were no negative votes cast against the bill.

Mr. RAINEY. The vote was on the report of the conferees.

Mr. MANN. But the gentleman said he and our colleague, Dr. FOSTER, fought against it all afternoon. Certainly the gentleman would not fight it all afternoon and then not vote against it.

Mr. RAINEY. If I said that, I was mistaken, of course. I thank my colleague for calling my attention to it. The bill was not before the House at all, as my colleague, who is always so correct in his facts, has stated. It was the report of the conferees. There was no opportunity that afternoon to vote for or against the bill. The vote was on the report of the conferees, and, as my colleague has stated, every man in this House who voted, voted for the report.

Now, the gentleman makes the further statement that in the discussion of this White River proposition—perhaps in this very discussion upon the report of those conferees—I referred to the fact that a lobbyist from St. Louis was here promoting the schemes of the Ozark Power Co. I did so state upon this floor, and I left the statement out of the RECORD because I was visited upon this floor, before the speech was revised, by two members of the Arkansas delegation, and they said to me in effect this: "Do not use the word 'lobbyist' in commenting upon this gentleman. It will injure us in our districts." And they will corroborate me when I say that, and if they will permit me I will put their names in the CONGRESSIONAL RECORD.

Mr. FLOYD of Arkansas. I want to say as the author of the bill that I did not visit you.

Mr. RAINEY. No; you did not. They asked me to leave out that reference to this gentleman as a lobbyist, and in their presence I wrote the words "a very pleasant gentleman" in place of the word "lobbyist," and that term used sarcastically, as I used it, I thought made my characterization of that particular lobbyist much more objectionable than the word "lobbyist," but it satisfied this gentleman from Arkansas, and I made that change.

The gentleman from Tennessee [Mr. AUSTIN] refers to a dinner I had at Harvey's the night before this matter came up for discussion upon this floor. I was there. I went there with the gentleman from Mississippi [Mr. SISSON] as his guest. On the way there we met the gentleman from Arkansas [Mr. OLDFIELD], who was accompanied by this gentleman whom I the next day characterized as a lobbyist; I think his name is Mr. Powell. I do not even remember his name now. Mr. Powell has interests in the district of the gentleman from Arkansas [Mr. OLDFIELD], and they were acquainted on that account. Mr. SISSON invited Mr. OLDFIELD to accompany us, and his friend being with him, Mr. SISSON invited him also. We went over to Harvey's and had dinner there that evening. It was the day before the Dixie power question came up here on this report of the conferees, and that evening was the first intimation I ever had that any gentleman was here in this city representing the Dixie Power Co., and the gentleman himself told me when he sat down with us at the table: "You are fighting these power schemes in these States, and it is only fair for me to say to you, before I sit down, that I am here representing one of them." I think he said he represented the Ozark Power Co. We said to him, "That makes no difference," and he sat down and had dinner with us. Mr. SISSON paid the bill for that dinner. He did not pay it.

Now, that is the fact about that. Yet the gentleman tries to weave his webs of suspicion over a fact of that kind. The very next day I came here into this House opposing this bill, denouncing this gentleman as a lobbyist, and calling attention to the fact that the Ozark Power Co. would soon absorb the franchise of the Dixie Power Co., and that these companies were represented here by him. Now, he had lots of influence over me, did he not? I was influenced a great deal, was I not, by the fact that the night before, as Mr. SISSON's guest, at Harvey's restaurant, that gentleman also sat down at the table?

I will say that the gentleman from Mississippi [Mr. SISSON] and myself take dinner together two or three times every week, we both have rooms at the same hotel, our families have gone home, and we take our meals at the House restaurant, and at various other restaurants and hotels in the city. No Member of this House is more violently opposed to these attempts to absorb water power than the gentleman from Mississippi, and he contributed to this discussion the most valuable argument made yet against these bills when he discussed the constitutionality of our position, and I think clearly established the right of the National Government to levy tolls and protect consumers, and this argument was made after the dinner at this restaurant to which the gentleman from Tennessee refers. There are not enough lobbyists and there is not enough money in this country to influence the gentleman from Mississippi [Mr. SISSON], or the gentleman from Arkansas [Mr. OLDFIELD], and the gentleman from Tennessee goes far out of his way to cast slurs upon incorruptible men of the very highest standing.

The gentleman refers to the little pamphlet I had printed which contains my controversy with him when he rose to a question of personal privilege here in the House. I was compelled to have that printed. I think when a Member of Congress receives demands from any section of the country for speeches delivered by him upon this floor he ought, so far as he can, to comply with those requests. I received so many demands for copies of the CONGRESSIONAL RECORD containing that colloquy that I was compelled to print copies of those speeches. I do not know whether the gentleman from Tennessee [Mr. AUSTIN] received many demands or not, but I will say that the most of the demands I received came from his own State. I do not think there was anything wrong about having those copies printed. I paid for them with my own money, as all Members of this House must pay when they have speeches printed over here in the Government Printing Office. I printed all of that colloquy. If the gentleman had some other speech in the RECORD it was made at some later time. That is all there was to that. I printed it to meet demands from the gentleman's own State.

I agree with the gentleman from Tennessee [Mr. AUSTIN] as to the importance of developing these properties in Tennessee and everywhere else. I have not failed on any occasion to say that I am in favor of developing all of these rivers in their power possibilities as soon as possible; but I have tried to make my position plain in this House, and I say now, as I have always said, that I am opposed to developing these power projects when the franchise we are asked to grant means turning over to these great companies our rivers without any protection to consumers and without any tolls to the Government.

The gentleman refers to me as being willing at all times to slander public men. I deny the gentleman's statement. I have for years on this floor fought not men, but improper attempts to exploit this Government. If I have mentioned the names of men high in the financial world, it has been necessary for me to do so, and I have done it fearlessly. I denounced the Sugar Trust. Its directors admitted that by a system of false weights they had stolen millions from the Treasury. The gentleman says I did not prove it. Why, they admitted it. The gentleman states that I said the brother of the President was one of the attorneys for the Sugar Trust and that I did not prove it. On the contrary, I did prove it, and I produced here on this floor the evidence of it—his name signed to briefs filed for the Sugar Trust in the Federal courts. He refers to the fact that I first exposed on this floor the Panama Canal scandal. I did; and before a Democratic committee of this House the charges I made are being investigated, a large amount of evidence has

been taken and more will be taken in the future, and if the gentleman will get the volumes entitled "The Story of Panama—Hearings on the Rainey resolution," as these publications are called, he will find that my charges are being thoroughly investigated and are being fully sustained by the evidence. I have at no time on this floor made any charges that I have not been able to sustain by the proof, and the gentleman from Tennessee is probably beginning to find that out.

The statement can not truthfully be made that at any time I voted for the Dixie power bill nor for any of these bills, but I am ready to vote for all of them whenever they contain clauses providing for the protection of consumers and for tolls to the National Treasury. The Keokuk Dam bill was the first of these bills carrying considerable value to pass this House. It passed without opposition. That was nine years ago, when I was a new Member of this body. None of us knew anything then about water-power possibilities. The bill came out from the Committee on Interstate and Foreign Commerce without any minority report, and went through this House without any opposition upon representations that the company asking for the franchise was rendering a great public service in improving navigation in the Mississippi River, and the gentleman from Tennessee is now championing this same character of bills and for the same reason—improvement of navigation in rivers. But I think he will admit that there is opposition now to these bills and to these efforts to "grab off" valuable franchises. The country is thoroughly aroused, and it will be a long time before any more bills of this character pass the Congress. A way may yet be found to compel the Keokuk company to pay tolls to the Government, and a way may yet be found to regulate the charges that company may make to consumers.

The SPEAKER. The time of the gentleman has expired.

Mr. AUSTIN. Mr. Speaker, the gentleman closes his speech with the statement that he is opposed to bills conferring water-power rights without compensation, and yet on the 25th day of July last he voted to give one of these power propositions away without any compensation to the Dixie Power Co., on the White River, in the State of Arkansas.

Now, he speaks about his reason for changing the record and discovering that the representative of the Dixie Power Co. was not a "lobbyist," but was a "very pleasant gentleman." My understanding of that matter is that the gentleman received a message or information that the representative of the Dixie Power Co. was looking for him and intended to settle with him for calling him a "lobbyist."

Mr. RAINEY. I denounce that as absolutely false. I received no such message.

The SPEAKER. The gentleman from Illinois should not interrupt without asking permission. That applies to both gentlemen.

Mr. AUSTIN. Mr. Speaker, a person that can save the Government of the United States $25,000,000 in the twinkling of an eye can interrupt me without permission.

The SPEAKER. All right, if the gentleman wants to be interrupted.

Mr. AUSTIN. My information is from Mr. Powell himself, who spent a very pleasant evening with the gentleman from Illinois, who is fighting every power bill except Mr. Powell's, of the Dixie Power Co.

Now, I want to close the discussion with a few statements in answer to what the gentleman has said in his main or first speech, that I wanted or attempted to bottle up the town in which I live—Knoxville—and place the consumers of power at the mercy of the water-power trust. The Knoxville Power Co. had to submit in advance, to the mayor and board of aldermen, the schedule of charges for power to the consumer, and that schedule had to be satisfactory to the mayor and board of aldermen before the company could get permission to string their wires or enter the city. So the controlling question of rates was not within the power of a so-called water-power trust or the Knoxville Power Co., but alone in the mayor and board of aldermen of the city of Knoxville.

The gentleman says that Mr. Sullivan and myself had $38,000 that we divided. Mr. Sullivan put over $40,000 of money into the Knoxville Power Co. and kept it there eight years before he had any return on his investment, yet the gentleman's statement is that he furnished nothing to promote the company or enterprise and cashed out $38,000. I did not divide any $38,000 with Sullivan, or any other part with Sullivan. Sullivan held so many bonds in this company. He had advanced forty-odd thousand dollars, and under the terms of the sale his money was returned with a certain per cent on his bonds. I received a certain per cent on my bonds and a compromise for my legal services extending over a period of 10 years, and payment of a security debt of the president of that company.

Now, I sent no telegram to the holders of the Knoxville Power Co. bonds from the Victoria Hotel in New York. The chancery court of Knoxville, Tenn., decided the case against Mr. Templeton, and the supreme court, composed of Democrats, in modifying that decree, held that Sullivan was liable to Jerome Templeton, and not Mr. Austin. So I got out of the litigation with clean hands and a vindication not only by the chancery court, but by a Democratic supreme court, and in a few weeks after that I was elected by an increased majority to this House, five times greater than my first majority, and a majority in the city of Knoxville, where I had lived 30 years, of over 1,000, carrying 10 wards out of the 11, and in the district I carried 9 of the 10 counties.

Now, if the gentleman will extend the circulation of his speech made this morning in my district and accept my invitation to canvass the district, I will pay his expenses, and as much as the Chautauqua circle pays him for delivering speeches. [Applause of the Republican side.]

Now, with reference to the representative of the Dixie Power Co. being out the night before his bill was voted upon in the House with the Member from Illinois, I mentioned that event solely because the gentleman in opening his speech here charged that the so-called representative of the Power Trust was visiting my office. He visited my office once, and he accompanied the Member from Illinois to Harvey's restaurant once, and so honors are just about even between the Member from Illinois and myself as to the representative of the Dixie Power Co., or Water-Power Trust.

The Member from Illinois [Mr. RAINEY] says the statement can not truthfully be made that at any time he voted for the Dixie Power bill For proof that he voted for said bill see the RECORD of July 25, 1912, page 9663. The bill passed by a unanimous vote. The gentleman was present, and we all saw him stand up and vote for the bill.

Mr. RAINEY. I did not know that it was in the gentleman's own office, and did not so state.

Mr. AUSTIN. The gentleman has stated that my office was the headquarters of the representatives of the Water Power Trust.

Mr. RAINEY. I made no such statement as that.

Mr. AUSTIN. The gentleman said my office was headquarters, or that there was a beaten trail between it and the agents or promoters of the Water Power Trust, and the gentleman knew that statement to be false when he made it.

Mr. RAINEY. I got my information from the record of the court in the Templeton case.

Mr. AUSTIN. That lawsuit has nothing to do with confirming, proving, or justifying the untruthful statement that my office was the headquarters for the representatives of the Water Power Trust, or that there was a trail from my office to the headquarters of the Water Power Trust. [Applause.]

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

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed with amendment bills of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 15181. An act for the relief of Harry S. Wade;

H. R. 24016. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 24458. An act authorizing the Secretary of War, in his discretion, to deliver to certain cities and towns condemned bronze or brass cannon, with their carriages and outfit of cannon balls, etc.; and

H. R. 25713. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors.

The message also announced that the Senate had agreed to the reports of committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bills of the following titles:

H. R. 25166. An act 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;

H. R. 24996. An act 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;

H. R. 24602. An act 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 of such soldiers and sailors; and

H. R. 24322. An act 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 of such soldiers and sailors.

The message also announced that the Senate had passed bills and joint resolution of the following titles, in which the concurrence of the House of Representatives was requested:

S. 7160. An act 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;

S. 7378. An act for the relief of James E. C. Corvel;

S. 7427. An act for the relief of Edgar Allan, jr.; and

S. J. Res. 134. Joint resolution appropriating money for the payment of certain claims on account of labor, supplies, materials, and cash furnished in the construction of the Corbett Tunnel.

The message also announced that the Senate had passed bills of the following titles:

H. R. 20362. An act granting a pension to Catherine Wise; and

H. R. 24224. An act to amend sections 5, 11, and 25 of an act entitled "An act to amend and consolidate the acts respecting copyrights," approved March 4, 1909.

ENROLLED BILLS SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 26321. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes;

H. R. 20498. An act for the relief of certain homesteaders in Nebraska;

H. R. 21708. An act to authorize the lighting of Piney Branch Road from Georgia Avenue to Butternut Street; and

H. R. 24224. An act to amend sections 5, 11, and 25 of an act entitled "An act to amend and consolidate the acts respecting copyrights," approved March 4, 1909.

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

S. 7424. An act to amend an act approved July 20, 1912, entitled "An act to authorize Arkansas & Memphis Railway Bridge & Terminal Co. to construct, maintain, and operate a bridge across the Mississippi River."

ENROLLED BILLS 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 bills:

H. R. 21708. An act to authorize the lighting of Piney Branch Road from Georgia Avenue to Butternut Street;

H. R. 20498. An act for the relief of certain homesteaders in Nebraska; and

H. R. 26321. An act making appropriations for the legislative, executive, and judicial expenses for the fiscal year ending June 30, 1913, and for other purposes; and

H. R. 21969. An act to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 7427. An act for the relief of Edgar Allan, jr.; to the Committee on Claims.

S. 7160. An act 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; to the Committee on Invalid Pensions.

PENSIONS.

Mr. RUSSELL. Mr. Speaker, I ask unanimous consent to call up from the Speaker's desk the bill (H. R. 24016) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and to certain widows and dependent children of soldiers and sailors of said war, and agree to the Senate amendments thereto.

The SPEAKER. The Chair will state to the gentleman from Missouri and all other gentlemen that there are three conference reports on the Speaker's desk that it is very desirable to get out of the way.

Mr. RUSSELL. Mr. Speaker, I will state that I have spoken to the leader upon this side, the gentleman from Alabama [Mr. UNDERWOOD], before I addressed myself to the Chair.

The SPEAKER. The gentleman from Missouri asks unanimous consent to take from the Speaker's table the bill H. R. 24016, a pension bill, with Senate amendments thereto and agree to the Senate amendments. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the Senate amendments.

The Clerk read the Senate amendments.

Mr. RUSSELL. Mr. Speaker, I move to concur in the Senate amendments.

The motion was agreed to.

Mr. GREGG of Pennsylvania. Mr. Speaker, I believe it to be entirely proper at this time and to the interest of the people of the country to review briefly the work of the Democratic House of this the Sixty-second Congress. The Democratic Party went into power in the House on the 4th day of April, 1911, after having been called into special session by the President of the United States, with certain platform pledges made to the people in 1908, which it proposed, contrary to Republican example, to carry into effect.

It had specifically promised the people to abolish Cannonism, or the "Czar rule" of the Speaker, in the House of Representatives; to provide for the direct election of United States Senators by the people; to levy a tax upon incomes of individuals and corporations, that wealth may bear its proportionate share in the burdens of the Federal Government; to require the publicity of campaign expenses, so that the people might know who are behind the several candidates; to take care, generously, of all soldiers wounded in or disabled by participation in the Civil War; to admit Arizona and New Mexico as separate States; to provide a Territorial form of government for Alaska; to give Federal aid to the construction and maintenance of post roads; and to protect American citizens at home and abroad; and to practice economy in the matter of all Government expenditures.

Each of these promises has been kept inviolate and they have all been made good, as I propose to disclose in this brief summary:

Every Member of the House now has his original right to participate in all debate and all legislation on the floor of the House.

A bill for the direct election of United States Senators has been passed.

A bill to prevent improper use of money in primary and general elections and to require publicity of campaign funds and expenses has been passed; also a bill limiting the amount that any candidate for membership in the House of Representatives can expend in a campaign to the sum of $5,000.

A bill placing a tax of 1 per cent, and known as the excise bill, on the excess of net incomes over $5,000, thus requiring wealth to bear a just, proportionate share of the burden of expenses of the Government has been passed.

We have provided, by proper legislation, for the opening of the Panama Canal, exempting ships flying the American flag from the payment of tolls. The Panama Canal cost the American people $400,000,000. It was built so that freer and cheaper transportation should be given to American coastwise vessels, and the passage of the free-ship canal bill carried out the pledges to our people.

A bill providing governmental aid to 1,000,000 miles of highway used for rural free delivery has been passed.

A bill providing for an experimental parcel post has been passed, to cover all sections of the country, at a reasonable rate of carriage, and specifically providing for the marketing of agricultural and industrial products.

The Sherwood dollar-a-day pension bill gives a substantial increase to all the old soldiers of the Civil War in their declining years.

Arizona and New Mexico have been admitted as separate States.

We have revoked our treaty with Russia for failing to recognize our passports and for discriminating against our citizens.

A bill has been passed placing sugar on the free list, which will reduce the price about 2 cents per pound, thus saving more than $100,000,000 per year to the masses of the people. The deficit that would result from this reduction of the sugar schedule is provided for by the excise bill, of which I spoke before.

A bill has been passed making a substantial reduction in the wool schedule, so as to lighten the burdens of the poorer classes

in the purchase of warm clothing; also a bill making a substantial reduction in the cotton, steel, and chemical schedules.

The farmers and laborers free-list bill removed the tariff tax on farming implements, meat, and flour and other necessaries of life, and would have reduced the high cost of living. All these bills were vetoed by the President.

In addition, since our platform promised protection to labor, and since the Democratic Party is built upon labor, we have passed bills as follows:

A bill to provide for the restriction of the power of Federal judges in issuing injunctions.

A bill providing for trial by jury in cases of indirect contempt.

A bill creating a department of labor, and giving labor a seat in the President's Cabinet.

A bill providing for an eight-hour day on all Government work.

A bill increasing the scope of the Bureau of Mines and giving additional relief to those employed in mining coal, and to better develop methods to prevent accidents in mines.

A bill creating a child labor bureau.

A bill taxing out of existence the white-phosphorous match production.

A bill abolishing involuntary servitude of seamen.

A bill creating a commission to settle labor disputes.

A bill to pay injured employees.

A bill investigating the Taylor system, so-called scientific shop management, in order that workmen may be protected against speeding up beyond their normal power.

A bill requiring that convict-made goods shall be branded as such, and thus removing a part of the illegitimate competition with free workingmen and the manufacturers who employ them.

An eight-hour provision in the Post Office bill for post-office clerks and carriers.

A bill which removed the "gag" rule from post-office employees, so that they may bring their grievances to Congress without fear of being discharged for doing so.

A bill increasing the wages of railway post-office clerks and to carriers both city and rural.

A bill giving second-class mail privileges to official papers of trade unions and fraternal organizations.

A provision in the naval appropriation bill requiring all coal purchased for use in the Navy to be mined in an eight-hour day.

Never before in the history of any single session of Congress has so much legislation been passed for the benefit of the American people. Moreover the House, controlled by the Democrats, forced the Republican Senate into a retrenchment of the conduct of the affairs of the Government. At the special session in 1911 useless jobs were dispensed with, which netted a saving of more than $180,000 to the American people. In addition it has reduced the number of employees in many of the departments, especially the Treasury Department, where more than 500 useless employees were removed from office. It made the general Pension Bureau, in Washington City, the general disbursing office for all pensions, and abolished 18 separate pension agencies with their army of clerks, saving more than $250,000 in that particular branch of the Government service.

On this record the Democratic Party proposes to go to the country and ask the American people to continue it in power. On this record I propose to go to my constituents in Westmoreland and Butler Counties and ask them to continue me in office, believing that I have faithfully, honestly, and conscientiously attempted to perform a duty not only to a few but to all the people of my district. I am confident in the hope that my services will be appreciated by my constituency.

NAVAL APPROPRIATION BILL.

Mr. PADGETT. Mr. Speaker, I call up the conference report on the bill (H. R. 24565) making appropriations for the naval service for the fiscal year ending June 30, 1913, and for other purposes, and inasmuch as the conference report and statement thereon are the same as were filed, and as are of record and have been for many days, with the exception of the modifications upon the matters that were objected to yesterday, I ask unanimous consent for the reading of the statement in lieu of the report, and that only those portions of the statement be read as relate to the matters objected to.

The SPEAKER. The Chair will ask the gentleman from Tennessee to designate what they are, so that the Clerk may understand.

Mr. PADGETT. Mr. Speaker, it is with reference to amendments Nos. 7, 8, 26, 34, and from No. 102 on.

Mr. BURNETT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BURNETT. Mr. Speaker, I desire to know whether we can agree to an amendment referring to the battleship proposition. I desire to offer an amendment striking out the conference agreement as to any battleship, or to offer an amendment so that the agreement shall be that there is no battleship.

The SPEAKER. This is a conference report, and will have to be adopted as a whole or not adopted. If the gentleman desires to get at an amendment, the only thing to do is to vote down the conference report.

Mr. BURNETT. That is the parliamentary inquiry I had in my mind. I wanted to reach it by amendment.

The SPEAKER. The gentleman can not reach it by amendment at this time.

Mr. RODDENBERY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RODDENBERY. Could not the matter about agreeing upon the battleship proposition be reached by a motion to recommit with instructions at the proper stage?

Mr. PADGETT. Mr. Speaker, that would not be in order. This is a conference report and has to be adopted or voted down as a whole.

Mr. BURNETT. Could not the vote be taken on any particular item?

The SPEAKER. We can not take a vote on any particular item in a conference report. The conference report must be adopted or rejected as a whole. If it be rejected as a whole, then the gentleman can move to do what he pleases with it.

In answer to the gentleman from Georgia, the Chair is rather inclined to think that the thing the gentleman asks about can be done, although he would have to examine the authorities.

Mr. MANN. Mr. Speaker, before the Chair rules——

The SPEAKER. The Chair is not ruling, and if the gentleman from Illinois has any information the Chair would be glad to have it.

Mr. MANN. Mr. Speaker, my recollection is, although I am not positive in respect to it, that where a conference report is made to the House and considered in the House first the motion to recommit to the conferees is in order, but where the conference report has been presented to the Senate first, and has been agreed to, so that the Senate conferees have been discharged, and there is no conference to which the report can be recommitted, then the motion is not in order.

Mr. RODDENBERY. But if the conferees on the part of the Senate are not discharged would not the rule be different?

Mr. MANN. I think that is what I stated. If the Senate has agreed to the conference report, that does discharge the Senate conferees.

The SPEAKER. The Chair will ask the gentleman from Tennessee if the Senate has agreed to this report?

Mr. PADGETT. They did, and messaged it over yesterday afternoon.

The SPEAKER. The gentleman from Illinois states the rule correctly. The gentleman from Tennessee asks unanimous consent that only the part of the report touching amendments 7, 8, 26, 34, and from 102 following be read, for the reason that the others have already been agreed to and passed on by the House. Is there objection?

Mr. MANN. Mr. Speaker, I think we better have the report read.

The SPEAKER. The gentleman from Illinois objects, and the Clerk will read the conference report.

The Clerk read the conference report, as follows:

CONFERENCE REPORT (NO. 1217).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 24565) making appropriations for the naval service for the fiscal year ending June 30, 1913, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 3, 4, 6, 25, 27, 36, 37, 38, 39, 40, 41, 42, 43, 47, 48, 58, 61, 62, 70, 71, 72, 75, 76, 78, 80, 83, 86, 91, and 110.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 5, 9, 10, 11, 16, 18, 19, 20, 21, 22, 23, 28, 29, 30, 31, 32, 33, 44, 45, 46, 49, 50, 51, 52, 54, 55, 59, 60, 65, 66, 67, 68, 69, 73, 74, 77, 81, 82, 84, 87, 88, 89, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 103, 104, 105, 106, 107, 108, 109, 115, and 117, and agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In said amendment, in line 1, after the word "may," insert the words with his consent"; in lines 5 and 6 strike out the words "grade from which he was retired" and in lieu thereof insert the words "same rank"; in lines 10 and 13 strike out the word "commander" and in lieu thereof insert the words "senior grade"; and the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In said amendment, lines 5, 8, 11, and 16, after the words "commander in chief," insert the words "of the fleet"; and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In said amendment, in line 2, after the words "United States," insert the following, "as amended by section 16 of an act entitled 'An act to reorganize and increase the efficiency of the personnel of the Navy and Marine Corps of the United States,' approved March 3, 1899"; and the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: In said amendment, in line 6, after the word "received," insert the words "except pay and allowances for the unexpired period not served"; and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In said amendment strike out the following words: "such island possession of the United States as in his judgment may be best adapted to the permanent care and segregation of such sufferers," and in lieu thereof insert the words "the island of Culion, in the Philippines"; and the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In said amendment strike out the words "and forty-three" and "two hundred and fifty"; and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In said amendment strike out the following words: "and sixty-seven" and "seven hundred and seventeen"; and the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: Strike out all of said amendment except the following, which is retained as a separate paragraph:

"The Secretary of the Navy is hereby authorized to exchange such quantities of potassium nitrate now in store as may not be needed in the manufacture of black powder for sodium nitrate of equal value for use in the manufacture of smokeless powder."

And the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: Strike out all of said amendment and in lieu thereof insert the following:

"That the balances of appropriations unobligated on January 11, 1912, made for the naval service under the headings 'Ammunition for ships of the Navy,' 'Fire-control instruments for ships of the Navy,' 'Small arms and machine guns,' 'Torpedoes and appliances,' 'Experiments, Bureau of Ordnance,' 'New batteries for ships of the Navy,' 'Arming and equipping the Naval Militia,' 'Modernizing projectiles,' 'Modernizing turrets of ships of the Navy,' 'Naval Gun Factory, Washington, D. C.,' and 'Battle compasses,' are hereby reappropriated and shall be available for obligation until the close of the fiscal year ending June 30, 1913."

And the Senate agree to the same.

Amendment numbered 34: That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows: In said amendment strike out the following: "that $75,000 of said sum, or so much thereof as may be necessary, may be used for the survey, investigation, and report upon the coal and coal fields available for the production of coal for the use of the United States Navy or any vessel of the United States," and in lieu thereof insert the following: "That $75,000 of said sum, or so much thereof as may be necessary, may be used for the survey and investigation by experimental test of coal in Alaska for use on board ships of the United States Navy, and for report upon coal and coal fields available for the production of coal for the use of the ships of the United States Navy or any vessel of the United States, and $345,000 of said sum, or so much thereof as may be necessary, shall be used for the coaling station and fuel station at Pearl Harbor, Hawaii"; and the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: In said amendment strike out the words "one on the Washington or Alaska coast"; and the Senate agree to the same.

Amendment numbered 53: That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment as follows: In said amendment, in line 7, after the word "Hawaii," insert the following: "at a cost not exceeding $1,500"; and the Senate agree to the same.

Amendment numbered 56: That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: In said amendment strike out the word "eighteen" and insert in lieu thereof the word "twelve"; and the Senate agree to the same.

Amendment numbered 57: That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment as follows: In said amendment strike out the word "thirty-seven" and in lieu thereof insert the word "thirty-one"; and the Senate agree to the same.

Amendment numbered 63: That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with amendments as follows: In said amendment strike out the following: "one shell house, $20,000"; strike out the word "seventy-three" and in lieu thereof insert the word "fifty-three"; and the Senate agree to the same.

Amendment numbered 64: That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment as follows: In said amendment strike out the words "five million one hundred eighty-six thousand three" and in lieu thereof insert the following: "four million six hundred twenty-three thousand three hundred"; and the Senate agree to the same.

Amendment numbered 79: That the House recede from its disagreement to the amendment of the Senate numbered 79, and agree to the same with an amendment as follows: On page 40 of the bill, line 20, after the word "officers," insert the words "of the dental corps"; and the Senate agree to the same.

Amendment numbered 85: That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with an amendment as follows: In said amendment restore the matter stricken out, with the following amendments: In line 6 and 9, strike out the word "section" and in lieu thereof insert the word "act"; and the Senate agree to the same.

Amendment numbered 90: That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment as follows: In said amendment restore the matter stricken out, with the following amendment: Strike out the word "ten" and in lieu thereof insert the word "thirty-five"; and on page 45 of the bill, lines 21 and 22, after the word "Vermont," strike out the words "two hundred and fifty" and in lieu thereof insert the words "three hundred"; and the Senate agree to the same.

Amendment numbered 102: That the House recede from its disagreement to the amendment of the Senate numbered 102, and agree to the same with amendments as follows: In said amendment, in line 3, strike out the word "two" and insert in lieu thereof the word "one"; also strike out the word "battleships," and insert in lieu thereof the word "battleship"; also strike out the word "each." In line 6 strike out the word "great" and insert in lieu thereof the words "greatest desirable." In line 8 strike out the word "each"; and the Senate agree to the same.

Amendment numbered 111: That the House recede from its disagreement to the amendment of the Senate numbered 111, and agree to the same with an amendment as follows: In said amendment in lieu of the matter stricken out and inserted insert the following: "nine million four hundred and forty-six"; and the Senate agree to the same.

Amendment numbered 112: That the House recede from its disagreement to the amendment of the Senate numbered 112, and agree to the same with an amendment as follows: In said amendment in lieu of the matter stricken out and inserted insert the following: "threee hundred and fifty-five"; and the Senate agree to the same.

Amendment numbered 113: That the House recede from its disagreement to the amendment of the Senate numbered 113, and agree to the same with an amendment as follows: In said amendment, in lieu of the matter stricken out and inserted, insert the following: "seven million two hundred and sixty-five"; and the Senate agree to the same.

Amendment numbered 114: That the House recede from its disagreement to the amendment of the Senate numbered 114, and agree to the same with an amendment as follows: In said amendment, in lieu of the matter stricken out, insert the following: "twenty million five hundred and sixty-nine"; and the Senate agree to the same.

Amendment numbered 116: That the House recede from its disagreement to the amendment of the Senate numbered 116, and agree to the same with an amendment as follows: In said amendment, in lieu of the matter stricken out, insert the following: "No enlisted men or seamen, not including commissioned and warrant officers, on battleships of the Navy, when such battleships are docked or laid up at any navy yard for repairs, shall be ordered or required to perform any duties except such as are or may be performed by the crew while at sea or in a foreign port"; and the Senate agree to the same.

L. P. PADGETT,
J. FRED. C. TALBOTT,
GEO. EDMUND FOSS,
Managers on the part of the House.

GEO. C. PERKINS,
H. C. LODGE,
B. R. TILLMAN,
Managers on the part of the Senate.

The statement is as follows:

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill (H. R. 24565) making appropriations for the naval service for the fiscal year ending June 30, 1913, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and submitted in the accompanying conference report on the amendments of the Senate, namely:

Amendment No. 1 provides that the Auditor for the Navy Department may allow payments made to hospital stewards who were granted permanent appointments on May 13, 1908, which have been heretofore disallowed by reason of a decision of the Assistant Comptroller of the Treasury, and the House recedes.

Amendment No. 2 strikes out the provision that hereafter any officer of the Navy who voluntarily retires or is involuntarily retired under the provisions of sections 8 and 9 of the act approved March 3, 1899, shall be retired in the grade in which he is serving and not promoted to a higher grade on the retired list, as provided under existing law, and the Senate recedes.

Amendments Nos. 3 and 4 provide that the six months' pay gratuity allowed by law paid upon the death of any officer or enlisted man on the active list of the Navy and Marine Corps shall be paid to the widow, children, or any other person previously designated by such officer or enlisted man, and the Senate recedes.

Amendment No. 5 corrects a misprint, and the House recedes.

Amendment No. 6 increases the pay of the secretary of the Admiral of the Navy $500 per annum, and the Senate recedes.

Amendment No. 7 provides that hereafter any naval officer on the retired list may be ordered to perform duty, and shall receive the pay and allowances of an officer on the active list of the grade from which he was retired, provided that no such retired officer so employed shall in time of peace receive any greater pay or allowances than the pay and allowances provided by law for lieutenant commander on the active list of like length of service, except in the case where an officer's retired pay exceeds the highest pay and allowances of the grade of lieutenant commander, in which case he shall receive his retired pay only, and the House recedes with amendments whereby any naval officer may be ordered to duty with his consent, receiving the pay and allowances of an officer on the active list of the same rank, provided that in no case shall his pay be greater than that of the pay and allowances of a lieutenant of the senior grade, except where his retired pay exceeds that amount, in which case he shall receive his retired pay only.

Amendment No. 8 provides for the disposal of useless papers in the files of vessels of the Navy, except where such papers are of historic value or are correspondence with officers or representatives of foreign Governments, and the House recedes with an amendment designating the commander in chief of the fleet as the officer to determine the useless papers to be destroyed.

Amendment No. 9 provides for an increase in the limitation of $25,345.75 for clerical, inspection, and messenger service in the various navy yards, naval stations, and purchasing pay officers, but no increase in the appropriation is recommended; and the House recedes.

Amendments Nos. 10, 11, 12, and 13 reenact existing law and provide for the voluntary extension of enlistments of enlisted men in the Navy for periods of one, two, three, or four full years without any loss of rights which might become due such enlisted man upon a reenlistment, and provides further that, with the approval of the President, any enlisted man in the Navy may be discharged at any time within three months before the expiration of his term of enlistment without prejudice to any right, privilege, or benefit that he would have received had he served his full term, and to amendments Nos. 10 and 11 the House recedes, and to amendments Nos. 12 and 13 the House recedes with amendments perfecting the amendment of existing law and providing that no pay or allowances shall be allowed such enlisted man for the unexpired period not served.

Amendment No. 14 provides for the transfer of all lepers of Guam to an island possession of the United States best adapted for the care of such sufferers; and the House recedes with an amendment whereby the island of Culion, in the Philippine Islands, is designated, as there is an existing leper settlement in that Island.

Amendments Nos. 15, 16, and 17 provide for an increase in transportation, recruiting, and outfits on first enlistment due to the increase in the enlisted force of the Navy provided in the bill; and the House recedes with an amendment providing an increase of $50,000 in transportation, $20,000 in recruiting, and $30,000 in outfits on first enlistment.

Amendments Nos. 18, 19, and 20 relate to the Naval War College, and an increase of $1,270 is allowed, due to additional clerical help made necessary by reason of the long course of instruction being established, and the House recedes.

Amendment No. 21 authorizes the Secretary of the Navy to make emergency purchases of war material abroad, and provides that such purchases shall be admitted free of duty, and the House recedes.

Amendments Nos. 22 and 23 relate to the purchase and manufacture of smokeless powder, and an increase of $250,000 is allowed for such purpose, and the House recedes.

Amendment No. 24 provides for an enlargement of the powder factory at Indianhead, the cost thereof not to exceed $650,000, and an appropriation of $325,000 is recommended, and provides also for the exchange of quantites of potassium nitrate now in store, and the House recedes with an amendment striking out the appropriation for the enlargement of the powder factory, but retaining the provision for the exchange of the potassium nitrate.

Amendment No. 25 provides for the expenditure of $100,000 for mines and mine appliances, and the Senate recedes.

Amendment No. 26 provides that certain enumerated appropriations for the naval service be made available for obligation for two years. These appropriations relate to the manufacture and purchase of ammunition, fire-control instruments, small arms, torpedoes, heavy guns, and battle compasses. The appropriations enumerated in the amendment have heretofore been held to be continuing appropriations, but under a recent decision of the Comptroller of the Treasury they are held to be annual appropriations; and the House recedes with an amendment reappropriating the unobligated balances but not continuing same longer than the fiscal year ending June 30, 1913.

Amendment No. 27 strikes out the heading "Bureau of Equipment"; and the Senate recedes.

Amendments Nos. 28, 29, 30, 31, and 32 change the word "wireless" to "radio" in connection with wireless telegraphy; and the House recedes.

Amendment No. 33 strikes out the provision that coal purchased by the Government shall be mined by labor employed not exceeding eight hours per day; and the House recedes.

Amendment No. 34 provides for an expenditure of $500,000 for depots for coal under the authority of section 1552 of the Revised Statutes; and the House recedes with an amendment whereby $75,000 of this amount is to be expended for the survey and investigation by experimental test of coal in Alaska for use on board ships of the Navy and report thereon, and that $345,000 of said amount shall be used for the coaling station at Pearl Harbor, Hawaii.

Amendment No. 35 provides for radio stations encircling the world, one to be situated in the Isthmian Canal Zone, one on the California coast, one on the Washington or Alaska coast, one in the Hawaiian Islands, one in American Samoa, one on the island of Guam, and one in the Philippine Islands, and an appropriation of $400,000 is recommended therefor, the total cost not to exceed $1,000,000; and the House recedes with an amendment striking out the station "on the Washington or Alaska coast."

Amendments Nos. 36, 37, and 38 provide for the abolition of the Bureau of Equipment and the permanent disposition of its funds and duties, and the Senate recedes.

Amendment No. 39 provides for an increase of $40,000 in the appropriation "Maintenance, Bureau of Yards and Docks," and the Senate recedes.

Amendments Nos. 40 and 41 provide for an appropriation of $100,000 for continuing the extension of the quay wall in the Portsmouth (N. H.) Navy Yard, and the Senate recedes.

Amendments Nos. 42 and 43 provide for an appropriation of $50,000 for rebuilding building No. 7 in the Philadelphia Navy Yard, and the Senate recedes.

Amendment No. 44 is a change of language so as to include a plant not only for electric light but for other purposes without an increase in the appropriation, and the House recedes.

Amendments Nos. 45 and 46 change the language relating to the appropriation for buildings and repairs to buildings in St. Helena, Va., without increasing the appropriation, and the House recedes.

Amendments Nos. 47 and 48 provide for an appropriation of $300,000 for improvements to the water front at the navy yard, Charleston, S. C., and the Senate recedes.

Amendment No. 49 provides for an appropriation of $5,500 for paving the streets abutting on the naval station in Key West, Fla., which is the Government's share of such paving, and the House recedes.

Amendment No. 50 reappropriates $145,000 for the establishment of a torpedo station near the naval station at Puget Sound, Wash. This appropriation was formerly made in 1910 for a torpedo station near the Pacific coast of the United States, and the House recedes.

Amendments Nos. 51 and 52 raise the limit of cost of the dry dock at Pearl Harbor from $3,350,000 to $3,468,000. This increased limit of cost is due to conditions which require the use of a richer mixture of concrete for the dry dock. The appropriation made for the dry dock at Pearl Harbor has not been increased, and the House recedes.

Amendment No. 53 authorizes the Secretary of the Navy to purchase an acre, more or less, of land in the Island of Oahu, Hawaii, for the location of wells for supplying fresh water to the naval station, out of the appropriation made last year for a fresh-water system at that station, and the House recedes with an amendment limiting the cost of the land to be purchased not to exceed $1,500.

Amendment No. 54 provides $5,000 for the extension of the underground conduit and lighting station in the naval training station at Newport, R. I., and the House recedes.

Amendment No. 55 provides for the exchange of data with foreign nautical almanac officers, with a view to reducing the amount of duplication in the work of preparing the different international nautical and astronomical almanacs, increasing the total data which may be of use to navigators and astronomers available for publication in the American Ephemeris, a nautical almanac, further providing for the termination of such arrangement upon one year's notice, and the House recedes.

Amendments Nos. 56 and 57 provide for a set of double quarters for commissioned officers at the naval proving ground, Indianhead, Md., to cost $18,000, and the House recedes with an amendment reducing the cost to $12,000.

Amendment No. 58 provides $15,000 for dredging the channel and widening the water approach at the naval magazine, Fort Lafayette, N. Y., and the Senate recedes.

Amendments Nos. 59 and 60 appropriate $9,000 for water-main pipes and fire and boundary wall at the naval magazine, Lake Denmark, and the House recedes.

Amendments Nos. 61 and 62 provide for appropriation of $22,000 for improving the water front at Newport, R. I., and $50,000 for an assembly and repair shop at the naval torpedo station, Newport, R. I., and the Senate recedes.

Amendment No. 63 provides for a general magazine to cost $13,000 and a shell house to cost $20,000 at the naval magazine, Hingham, Mass., and the House recedes with an amendment striking out the appropriation for the shell house, but agreeing to the construction of the general magazine.

Amendment No. 64 is a change of total.

Amendment No. 65 provides for a $30,000 increase in the Medical Department, which is deemed necessary, due to the increase in the enlisted personnel, and the House recedes.

Amendment No. 66 is a verbal change without any change in effect of the appropriation, and the House recedes.

Amendments Nos. 67 and 68 provide for an appropriation of $15,000 for dental outfits and dental material, due to the establishment of a dental corps provided for in the bill, and the House recedes.

Amendment No. 69 is a change of total, and the House recedes.

Amendments Nos. 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 81, 82, 83, 84, 85, and 86 relate to the establishment of a dental corps in the Navy, and the Senate recedes from its amendments to the House provision except that appointees to the dental corps shall take rank and precedence in the same manner in all respects as is the case of appointees to the Medical Corps of the Navy, to which the House agrees. This provision places the dental corps of the Navy on the same footing as the dental corps in the Army.

Amendment No. 80 provides that acting assistant surgeons in the Navy shall receive the same pay and allowances as are now or may hereafter be provided by law for assistant surgeons in the Navy, and the Senate recedes.

Amendment No. 87 provides for a dental reserve corps, and the House recedes.

Amendment No. 88 provides that pharmacists after six years from the date of warrant be commissioned chief pharmacists after passing a satisfactory examination, and shall have the rank, pay, and allowances of chief boatswains, and the House recedes.

Amendment No. 89 provides for an increase in the limitation for the clerical, drafting, and messenger service in the various navy yards and naval stations, without any increase in the appropriations, in the Bureau of Supplies and Accounts, owing to the increased work thrown upon this department under the new system of storekeeping and cost accounting, and the House recedes.

Amendment No. 90 strikes out the limitation of $10,000 for the hulls of aeroplanes, and the House recedes with an amendment fixing the limit at $35,000, and authorizes $300,000 to be expended for repairs on the U. S. S. *Vermont*.

Amendment No. 91 strikes out the limitation of $20,000 for the machinery of aeroplanes, and the Senate recedes.

Amendment No. 92 provides for additional payments from the midshipmen's commissary fund in order to secure suitable waiters at the Naval Academy for the midshipmen, and the House recedes.

Amendment No. 93 strikes out the House provision for the Board of Visitors to the Naval Academy and inserts a provision which has been carried heretofore in the naval appropriation act for several years, and the House recedes.

Amendments Nos. 94 and 95 are changes of total, and the House recedes.

Amendments Nos. 96 and 97 provide for an increase of $200 each in the salary of the chief clerk in the office of the paymaster and in the office of the adjutant and inspector in the Marine Corps, placing all the chief clerks at the headquarters of the Marine Corps on an equal footing, and the House recedes.

Amendments Nos. 98 and 99 are changes of totals, and the House recedes.

Amendment No. 100 strikes out the proviso that coal furnished the Marine Corps shall be mined by labor that is employed not exceeding eight hours per day, and the House recedes.

Amendment No. 101 is a change of total, and the House recedes.

Amendment No. 102 provides for the construction of two first-class battleships, and the House recedes with an amendment providing for one first-class battleship.

Amendment No. 103 provides that of the two fuel ships to be built in the navy yards, one shall be built in a navy yard on the Pacific coast, and the House recedes.

Amendments Nos. 104, 105, and 106 provide for eight submarine torpedo boats, instead of four as provided in the House bill, and the House recedes.

Amendment No. 107 directs the Secretary of the Navy to consider the advisability of stationing four of the submarine boats authorized in the bill at or near the mouth of the Mississippi River and the United States seaports of the Gulf of Mexico and the remaining four upon the Pacific coast as a proper naval defense, and the House recedes.

Amendments Nos. 108 and 109 strike out the provision whereby submarines are excepted from the provision that the Secretary of the Navy may build any or all vessels authorized in the act to be built in such navy yard as he may designate, should it reasonably appear that the persons, firms, or corporations, or the agents thereof, bidding for the construction of any of said vessels, have entered into any combination, agreement, or understanding the effect, object, or purpose of which is to deprive the Government of fair, open, and unrestricted competition in the letting of contracts, and the House recedes.

Amendment No. 110 strikes out the provision allowing the gunboat which was authorized to be built on the Great Lakes under the act of May 4, 1898, to be built elsewhere, and the Senate recedes.

Amendments Nos. 111, 112, and 113 increase the appropriations for "Construction and machinery," "Equipment," and

"Armor and armament," under "Increase of the Navy," for the next fiscal year, by the amount necessary for two first-class battleships, and the House recedes by increasing the amount necessary for one first-class battleship only.

Amendment No. 114 is a change of total.

Amendment No. 115 strikes out the eight-hour law provision in the bill and inserts in lieu thereof that the act approved June 19, 1912, an act limiting the hours of daily service of laborers and mechanics employed upon work done for the United States or any Territory thereof or for the District of Columbia, and for other purposes, to apply to all contracts authorized by this act from and after the passage of this act, and the House recedes.

Amendment No. 116 strikes out the provision prohibiting the employment of enlisted men or seamen for doing repair work belonging to any recognized trade, on battleships of the Navy when such battleships are docked or laid up at any navy yard for repairs, and the House recedes with an amendment whereby it is prohibited to employ any enlisted man at any duties except such as are or may be performed by the crew of the battleship while at sea or in a foreign port while any battleships of the Navy are docked or laid up at any navy yard for repairs.

Amendment No. 117 strikes out the word "*Provided*," and the House recedes.

The total increase due to Senate amendments is	$15,043,037.00
Amount agreed to in conference	4,673,570.00
Amount of Senate recessions	10,369,467.00
Total of bill as it passed the House	118,547,137.48
Total bill after conference	123,220,707.48

L. P. PADGETT,
J. FRED. C. TALBOTT,
GEO. EDMUND FOSS,
Managers on the part of the House.

Mr. PADGETT. Mr. Speaker, I move that the House adopt the conference report.

Mr. BURNETT. Mr. Speaker, some Members on this side indicate their desire to be heard on this, and I hope there will not be precipitant action taken without giving an opportunity for them to be heard. For instance, I understand there is an increase of $250,000 for powder, and gentlemen would like to discuss these questions, and I hope some time will be given them.

The SPEAKER. Well, if the gentleman can agree on time. How much time does the gentleman want?

Mr. BURNETT. I do not want any time, as I submitted a few remarks the other day, but the gentleman from Illinois [Mr. BUCHANAN] would like to be heard for 15 minutes, and perhaps some other gentlemen.

Mr. PADGETT. I yield 15 minutes to the gentleman from Illinois [Mr. BUCHANAN], Mr. Speaker.

Mr. MANN. How much time is there going to be used?

Mr. PADGETT. There is no agreement; I have not yielded the floor, but it is out of my time. I desire to bring this matter to a conclusion.

Mr. MANN. I want some time.

The SPEAKER. The gentleman from Illinois [Mr. BUCHANAN] is recognized for 15 minutes.

Mr. BUCHANAN. Mr. Speaker, I do not know that I shall desire the full 15 minutes, but I desire time enough to call the attention of Members of the House that the amendment which was put in when this appropriation was being considered, saving the Government $250,000 by reducing the amount for the purchase of powder, has been stricken out, and it seems, while I would not impugn anyone's motives, I have confidence in the good motives of the Members of the House who served on the conference, yet it is certainly to the advantage of the Powder Trust to have the Government contract for powder which gives them $250,000 profit, which would be saved for the Government by the manufacture of its own powder at the Government powder mills which are equipped to manufacture at a reduction of $250,000. Now, it is said by those who are in favor of giving this criminal Powder Trust the contract, that it is necessary in time of emergency to have a Powder Trust to manufacture our powder. I say if the Government wants to protect itself in the case of an emergency it should not depend on any Powder Trust or any other private corporation, but take this $250,000 that can be saved annually and provide for powder mills, so that it may be prepared in times of emergency.

Mr. TRIBBLE. Will the gentleman yield?

Mr. BUCHANAN. I will.

Mr. TRIBBLE. Does the gentleman mean to say that this item for the Powder Trust has gotten in again after it was overwhelmingly defeated on the floor of the House?

Mr. BUCHANAN. The report says, "amendments Nos. 22 and 23 relate to the purchase and manufacture of smokeless powder, an increase of $250,000 is allowed for such purpose, and the House recedes."

Mr. TRIBBLE. And the conferees agree to that after we defeated it so overwhelmingly in this House?

Mr. BUCHANAN. Yes; that is agreed to. Now, I do not want to take up the time of the House any further than to call the attention of Members of the House to what was done in regard to this particular matter which was so fully discussed at the time the appropriation was considered showing that the Government can produce powder for about 33 cents a pound, whereas they are buying this of the Powder Trust at 60 cents a pound.

In my judgment, it does not cost the Powder Trust 30 cents a pound to produce the powder they are selling to the Government at 60 cents a pound, although the officials of this trust, as they are always able to do, have figures appearing that they are not making that great profit. Now, another thing I want to say while I have the floor is this: I claim that the Democratic caucus when it took up and considered the question of battleships took the proper position under the circumstances at this time, that instead of authorizing additional battleships we should round up our Navy and furnish the necessary auxiliary vessels to those battleships, and that seemed to be the settled policy for the Democrats until the publicity bureaus of the armor-plate manufacturers, and steel manufacturers, and the shipbuilders got busy and worked up a sentiment in favor of battleships. Now on that I want to say it is not my purpose to impugn anyone's motives who is in favor of battleships, but I do say this, that if the Government would construct its own battleships, manufacture its own armor plate and steel, and put a tax upon the large incomes in this country to pay for the expenses, you would see the trust newspaper editorials of the country turn tail in regard to the matter, and would advocate peace instead of war.

Mr. MURRAY. Will the gentleman yield? I desire to inquire of the gentleman from Illinois whether he can give the House any definite information as to the publicity bureaus to which he referred?

Mr. BUCHANAN. The gentleman from Massachusetts, if he is well informed, knows they are always busy. The publicity bureaus have caused to be published in the newspapers of this country for many years war scare items for the purpose of obtaining large expenditures for the Navy so that the armor-plate and steel manufacturers can make exorbitant profits to pay dividends on the watered stock—spurious capital—which has been soaked into the steel industries by the industrial and commercial pirates of the country.

He does not have to ask me that question. In my judgment he knows it as well, if not better than I do.

Mr. MURRAY. If the gentleman will yield further, I will say that the question is entirely sincere. I have heard much loose language about publicity bureaus, and I have never been able yet to get any definite information in regard to them, and I wonder whether or not the gentleman from Illinois will give the information to us.

Mr. BUCHANAN. If the gentleman will read the record of this House as to what the armor plate and Steel Trust people have been doing, he will readily understand their publicity bureaus have been working overtime in order to keep them in favor with the people of this country, so that they may be able to get contracts from the Government and further rob the people as they have been doing for a number of years. They have been partially successful in the past in deceiving the public, but their ability to further deceive them, in my opinion, is gone. I believe the people of these United States are awakening to what is being done through the agencies of the large corporations and big business interests in this country, and so far as I am concerned I am willing to go "to the bat" in a political campaign on any position I take in regard to questions of this kind, and I believe if this question was put properly before my constituents they would vote 3 to 1 against increasing the expenditures of the Navy Department when there is no indication of war.

Mr. MURRAY. Mr. Speaker——

The SPEAKER. Does the gentleman from Illinois [Mr. BUCHANAN] yield to the gentleman from Massachusetts [Mr. MURRAY]?

Mr. BUCHANAN. The gentleman from Massachusetts [Mr. MURRAY] is not looking for information from me. He is trying to confuse the argument I am trying to make here.

Mr. MURRAY. Oh, no; Mr. Speaker. But I do not understand——

Mr. BUCHANAN. I do not care to have my time taken up. I have only 15 minutes. However, I will yield.

Mr. MURRAY. I just wanted to ask the gentleman in all good faith to have incorporated in his remarks the reference to

the place in the CONGRESSIONAL RECORD where I may find the information that I have honestly asked for.

Mr. BUCHANAN. I will ask the gentleman to read the Stanley steel report and he will obtain information that may be of benefit to him, and also read information that was secured some years ago in the investigation as to the quality of armor plate, and so forth, which investigation was never completed.

The hearings and the report of the special steel committee show that a coterie of men who have been posing as eminent business men of the country have committed the greatest crimes of the age under the guise of great beneficiaries in the development of the industries of the country and through their publicity bureaus and the trust newspaper editorials they have decieved the people into believing that they were legitimate business men.

The Hon. A. W. GREGG, of Texas, in his thoroughly convincing speech that the position of the Democratic caucus was a wise one, states that at a certain banquet of the Navy League one of the speeches contained the following:

There is little danger of the United States being invaded, but she now has a larger rôle to play than merely the protection of her own territory. She can not remain passive while injustice is being done in any part of the world. She should announce to the world that she stands for justice to all, particularly the weak, and should be ready to stand back of her announcement.

On February 25, of this year, there appeared in the New York Herald an article from Capt. L. Persius, one of the most capable and best known of the German retired naval officers, in which he says:

The Japanese Navy, far from being equal to that of the United States, is weaker than at the outbreak of the Russo-Japanese War. The then modern battleships are now obsolete. The ships captured from the Russians, rebuilt at a cost of more than $30,000,000, have very small fighting value, and the increment through new battleships is extraordinarily small.

Only the battleships *Aki* and *Satsuma*, completed with almost record-breaking slowness of construction in five years, can be considered modern ships, though they carry only four 12-inch guns instead of the usual *Dreadnought* armament, and it is extremely doubtful whether Japan's first two ships of the *Dreadnought* class, the *Setsu* and the *Kawachi*, will be finished in time to join the fleet this year.

A first-class battleship cruiser is under construction in England, another has recently been started in Japan. These, with small cruisers, destroyers, and submarines, represent the total increase since the war with Russia.

Further on Mr. GREGG quotes Admiral Lord Charles Beresford as saying:

The public were and are hypnotized by the *Dreadnought* policy. The excessive and vulgar advertisements lavished upon this experimental vessel were by no means justified. To the building of these great ships has been sacrificed every other naval requirement. Without an adequate provision of these essentials—

Meaning auxiliaries—

the battle fleet is useless for fighting purposes, and the money spent on it is a present to the future enemy.

The following is an extract from the hearings on the investigation of the United States Steel Corporation, on page 3958, taken from a letter written by Mr. Edward Forrester, first vice president, to Mr. H. P. Bope, first vice president of the Carnegie Steel Co., in the minutes of general managers of sales:

It has therefore occurred to me, as I stated at recent meetings, that if the newspapers throughout the country could be brought into a more familiar knowledge of the facts publications regarding the corporation throughout the United States would be uniformly favorable. The only way that has occurred to me by which this could be accomplished is by establishing a general advertising bureau representing all the constituent companies—not a majority or one or two, but all. I believe if such a bureau was established and the head of the bureau was fully advised as to the wishes of the corporation that they could so spread their favors either by money paid for advertising or by news items furnished upon which the public could rely that the result aimed at would surely be attained. It seems to me the money now being expended for advertising by the various companies forms a fund large enough so that if handled with the single idea of getting the best results—not in simply selling goods or bringing before actual buyers the knowledge of our goods, which we can accomplish in other ways, but by disseminating proper knowledge of the corporation and its methods—would be ample; but even should it be necessary to largely increase the expense in order that the general reading public might view us in the same light as those who read the favored papers used by the corporation and those who come in contact with our managers of sales, the additional expense, it seems to me, would be fully justified.

Another extract from the minutes of general managers of sales shows that an inquiry by the president developed that approximately $140,000 per year is being expended by the various companies in direct advertising.

This without doubt is a resourceful publicity bureau, as it is admitted in the hearings of the steel committee that the policy of the steel corporation was to use this money to secure favorable news items in the publications of the country. No experienced man doubts that the great business corporations of the country exercise great influence over the daily newspapers and other publications. It is known that they have threatened to withdraw their advertisements, which meant thousands and tens of thousands of dollars to the newspapers, unless news articles were published in accordance with the views of the managers of the watered-stock corporations.

If this does not convince the gentleman that the publicity bureaus are not working diligently for their profit-seeking managers, he is not open for conviction.

Mr. Speaker, I say that increasing the amount of the expenditure for the Navy is going to bring this country to a condition such as they are having in European countries at the present time—that is, they are going to take money away by high taxation from the wage earners of this country and deprive them and their families of an equitable living. I think this report should be defeated, first, because they have authorized an additional battleship and, second, because we have put in here a provision of $250,000 for the Powder Trust, which is now or has been under prosecution. They probably have whitewashed it by this time, but we all know it is an illegal or criminal trust. I therefore hope this will be defeated.

I believe in an adequate Navy, but I do not believe that a Navy composed of battleships without officers or men and without the necessary auxiliaries is either adequate or efficient.

I favor correcting the folly of the past in which everything has been subordinated to the battleship and in adopting a rational, sensible course of suspending temporarily their construction, so that we can, without unduly burdening the people and without creating a deficiency in the Treasury, provide officers and men and auxiliaries sufficient to make every battleship a fully equipped fighting unit.

In his speech delivered May 23, 1912, on this question, Hon. A. W. GREGG, of Texas, says:

Those who claim to be overwise on naval needs say we should construct 2 battleships a year. Why 2 rather than 1? Why 2 rather than 10? Two may be a program, but not a policy. They say we should have a Navy large enough to insure our peace.

If by insuring peace they mean, and that is what they mean, that we should have a Navy so large that other nations will not dare attack us, then 10 is more logical than 2, for the sooner we obtain an intimidating Navy the better, if we are to rely solely upon the Navy. Our critics do not tell us what policy we should adopt as to the size of our Navy compared with those of other countries in order to be able to insure our peace by means of the Navy.

They preach and preach, but when their sermons are finished they have not told us what we must do to be saved.

The trouble heretofore has been that we have had no fixed naval policy, by which I mean that we have not decided what should be the relative size of our Navy to that of the other nations of the world.

If we should decide that it should be the largest in the world—however wild the idea may be—we would have an ultimate object in view and could gradually work up to it and do it systematically. If we decide that it should be next in size to that of England, then with that definite purpose in view we could work up to it.

The political party which believes we should burden the people with a Navy so large that it will intimidate other nations, and which believes in "securing our peace" by means of a Navy rather than by treaties, arbitration, and diplomatic negotiations, should have the courage to say so in its platform and take the responsibility before the people, who will have to bear the burden.

There are but two rational policies. If we are to look at it from an aggressive and world-power view—that is, if we are ready to say that it is our purpose to dominate the seas of the world and to intermeddle in all international affairs, and we are ready to seek, instead of avoiding, entangling alliances—then the proper policy to adopt is to construct a Navy larger than that of any other nation. That is what our critics want to do.

If, on the other hand, we want to give some assurance of sincerity in our professions that we prefer law, arbitration, and diplomacy to gunpowder and dynamite as a means of adjusting international differences; if we prefer by example to teach and induce other nations to call a halt in the construction of these floating monsters, rather than encourage them in it; if we would rather be the leaders in peace than in war; if we prefer the hum of industry to the rattle of musketry and thunder of cannons, then our policy should be the one we have followed so long, without danger to our national defense, and the one laid down in the last Democratic national platform, which declares:

"We believe that the interest of this country would be best served by having a Navy sufficient to defend the coasts of this country and protect American citizens wherever their rights may be in jeopardy."

This means a defensive and not an aggressive Navy. We should amply protect our coasts and harbors with comparatively inexpensive submarines and shore batteries, and have enough large fighting ships to "protect American citizens wherever their rights may be jeopardized," as we have so often done in cases of internal uprisings and disturbances in China and other nations.

Mr. Chairman, I know that the Constitution and Washington and Jefferson, like the battleship after a few years' use, are considered obsolete, but I like occasionally to recur to them like the old-time Christian, who is bewildered and confused by the new theologies of the day, loves to return to his Bible and get new courage for the battle of life and have renewed his hopes for the future. [Applause.]

So I will quote from Thomas Jefferson in regard to the first policy. He said:

"Wars must sometimes be our lot, and all the wise can do will be to avoid that half of them which would be produced by our own follies and our own acts of injustice, and to make for the other half the best preparations we can. Of what nature should these be? A land army would be useless for offense and not the best nor safest instrument of defense. For either of these purposes the sea is the field on which we should meet an European enemy. On that element it is necessary we should possess some power. To aim at such a navy as the greater nations of Europe possess would be a foolish and wicked

waste of the energies of our countrymen. It would be to pull on our own heads that load of military expense which makes the European laborer go supperless to bed and moistens his bread with the sweat of his brow."

If to secure our peace it is necessary to adopt a policy of building such a Navy as the greater nations of Europe possess, and thereby "foolishly and wickedly waste the energies of our countrymen and pull on our own heads the load of military expense which makes the European laborer go supperless to bed," the people should be put on notice that such is our intention, and should be fully informed as to the ever-increasing burden they are expected to bear.

The cry "In time of peace prepare for war" may be a catchy slogan, but in its ultimate analysis it means that all nations at all times should be in a state of preparedness for war, which further means a mad rush to insolvency for every nation of the earth. [Applause.]

The appeal is made to the pride and martial spirit of our people in support of an aggressive Navy; but the appeal is never accompanied with a statement showing the enormous increase of expenses, nor with the suggestion that all this money is extracted by taxation from the pockets of the people.

To show how, even under our moderate program, these expenses have increased, I cite that such expenses have been as follows:

In 1880	$13,536,985
In 1900	55,953,078
In 1910	123,173,717
In 1911	126,478,338

If this money was raised by direct taxation, whereby every taxpayer would know just how much he was contributing to the payment of this gradually and immensely increasing expense, you would not find as many Navy jingoes on the floor of this House as you now find.

I am certain that I am serving my constituents and the country better by endeavoring to call a halt upon the insane notion that this Nation must produce battleships as a hen lays eggs—so many so often. This battleship craze, so far as it has any place in public opinion anywhere, is prompted and promoted by battleship builders. Take away contractors' profits and the profits of financiers in connection with the annual output of battleships and there would soon be little demand for them, either in this country or any other.

If the effort that is now being made by the battleship "jingoes" to have the Government make large and unnecessary expenditures for battleships were made in behalf of peace; if our great and able editorial writers were left to write as their conscience dictated and would advocate peace among the nations it would not be long before we could materially reduce the expenditures for battleships and other preparations for war; but they preach the doctrine of force instead of the doctrine of arbitration and peace. They would encourage and stimulate the mad rush of nations to greater military power and greater destruction of humankind and lay heavier burdens on the backs of the people, while, on the other hand, we, in the language of the Prophet Joel, would welcome the day when nations "shall beat their swords into plowshares and their spears into pruning hooks," when nation shall not lift up sword against nation, and neither shall they learn war any more.

Mr. PADGETT. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. SULZER].

Mr. SULZER. Mr. Speaker, as a consistent friend of the Navy, and an adequate Navy, I shall vote to adopt the report of the conferees on the naval appropriation bill. [Applause.] Not that I am altogether satisfied with it, far from it, but because it is the best, in my judgment, that the friends of the Navy can get this year.

I believe in the policy of the Government to maintain the efficiency of the Navy. To carry out consistently that policy it is necessary that we build every year at least two modern, up-to-date battleships. To do otherwise would fall far short of maintaining an adequate Navy. There never was a time in the history of our country when an effective Navy was more essential to its territorial integrity, to its supremacy on the Western Hemisphere, and to the protection of its citizens at home and abroad. And when I say that, I speak from accurate knowledge and I speak advisedly. [Applause.]

The American people take a just pride in their Navy. They have every reason to feel proud of it. It is a bulwark of national defense, a mighty engine of offense, and national insurance for peace—and I am for peace here and everywhere. Every dollar spent on the Navy is just so much money expended to maintain peace.

There should be no retrogression in our naval program or in promoting the efficiency of the naval arm of the Government. The Navy is nonpartisan, and every true American, no matter what his opinion may be regarding economy in other things, should be opposed to reducing in any way the strength of the Navy. We must take no step backward in our naval policy. To do so is penny wise and pound foolish. I have never voted to cripple the American Navy, and I never will. I believe in patriotism more than I do in partisanship, especially when it comes to maintaining the national defense.

The friends of the Navy are to be congratulated on the final outcome of this battleship fight. We have won one new battleship. Patriotic America will never submit to a reversal of our naval policy. The American Navy is growing, and I want to see it continue to grow until we have as efficient and as effective a Navy as any first-class power in the world. That is real democracy, and more—it is true partiotism. [Applause.]

The maintenance of an adequate Navy should not be made a party matter. No party should ever caucus on the question of maintaining our Navy. The national defense should not be dragged into partisan politics. In the future, as in the past, I shall always do all I can to maintain an adequate Navy. Any other policy is un-American, unpatriotic, undemocratic, and contrary to the best interests of all the people of our country.

In my opinion I do not believe that there is a patriotic man in the United States who understands our national position, who grasps our international policy, who comprehends the essential necessity of protecting the Panama Canal, of enforcing the Monroe doctrine, and of maintaining the rights of our citizens at home and abroad, who is opposed to keeping up the Navy to its maximum efficiency and continuing the naval policy which the Government has adopted, to build every year at least two battleships.

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

Mr. SULZER. Yes; for a question. I only have a minute left.

Mr. SHERLEY. The gentleman has made that statement and talked about a "naval program." I have always been in favor of a good-sized Navy, and have so voted and have always been here to vote; but——

Mr. SULZER. I know that, and I compliment the gentleman for it——

Mr. SHERLEY. I would like to have the gentleman point out to me when and where there has been anything that could be dignified by the name of "naval program." I know that one year the Secretary of the Navy recommended four battleships to enable us to keep our relative place in the list of naval powers, and another year one battleship, and another year two battleships, and so on. If there is anything that is more shifting than our naval program, unless it be the personnel of its head, I would like to know it. We change our Secretaries of the Navy very frequently, and we change our plans more frequently, and it is a piece of folly to talk about a "naval program" when there has never been anything approaching a program for the Navy since I have been a Member of the House.

Mr. SULZER. Mr. Speaker, I differ with the gentleman, but I have not time now to go into the subject of the gentleman's criticisms of the Navy or of the Navy Department——

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

Mr. SULZER. Mr. Speaker, just a word more. The gentleman from Kentucky has used up some of my time. However, I am satisfied we have won a good fight for the Navy, and that means much to the friends of our national defense, much to the real friends of peace, and much to the friends of patriotic America.

Mr. PADGETT. Mr. Speaker, I yield five minutes to the gentleman from Texas [Mr. SLAYDEN].

Mr. SLAYDEN. Mr. Speaker, I am glad for many reasons that this controversy over the naval appropriation bill has been brought to a close. It has been marked by misrepresentation, by vulgar self-advertising, and by political exploitation in the newspapers, and also, I regret to say, by deliberate falsification about the attitude of Members of this House who have taken the same position with reference to this bill that I have. It has been charged by Members of this House that those of us who are not in favor of building two battleships are lacking in true Americanism and in patriotic devotion to our country. Well, Mr. Chairman, when, in the name of God, did these critics get to be judges of true Americanism and true patriotism? Personally I repudiate their right to pass upon my Americanism and my patriotism, and I deny their capacity to comprehend it. [Applause.]

Furthermore, it has been alleged, it has been repeatedly alleged, in the newspapers that our position was due to the fact that we were inspired by a desire to get a public-buildings "pork barrel" into the House. That is as false, so far as I am concerned, and I believe so far as the majority of the Members of this House are concerned, as any of the other many false statements that have been made in connection with this campaign for two battleships. [Applause.] I have never had the slightest desire to deny—and I do not mind saying it in perfect frankness—that for political reasons, if for no other, I was absolutely opposed to any omnibus public-building bill this

year, and I believe that was the opinion of the overwhelming majority of the majority Members of the House.

The charge that we were influenced in this fight by any such reason as that is as false as any falsehood could be and many of the people who made that statement knew they were telling what was not true when they made it. And yet it seems to have served their purpose, and the fact that it was notoriously false did not deter them from the repetition of those slanderous misstatements.

The gentleman from New York [Mr. SULZER] speaks about the Navy protecting the Panama Canal. If I am not vastly mistaken, some of the arguments for the construction of the canal were that it would enable us to get along with a smaller number of ships and would make our Navy more efficient by enabling us to quickly transfer such vessels as we have, or such portion of them as it might be desirable to send that way, through the canal from ocean to ocean. By doing so an Atlantic fleet to-day may become a Pacific fleet to-morrow.

The canal is to be defended—and in my judgment this is altogether an unnecessary procedure—by coast-defense batteries now being placed there under the direction of the War Department.

Mr. Speaker, so many lies have been published in connection with this thing that I do not know how much truth there may be in the statement of the newspapers that, having been unable to carry out their first threats of compelling the House to build two battleships, they propose now to have the biggest and the most expensive and the fastest battleship and the one with the greatest radius that was ever built; but I do want to say, sir, that if the House conferees have consented to any such program as that, they are, in my judgment, properly subject to the harsh criticism of the House, because they are not reflecting the wishes of the people who sent them to represent us in the conference with the Senate.

Mr. BARTHOLDT. Will the gentleman yield?

Mr. SLAYDEN. Yes; if the gentleman will be quick about it. I have only a moment.

Mr. BARTHOLDT. It is proposed to build a monster of a battleship. Does not the gentleman think that in the sudden turning of such a monster battleship in the ocean there would be danger of a tidal wave on two continents?

Mr. SLAYDEN. I will say to the gentleman that I think the number of accidents that have lately befallen our battleships, the number of times that they find uncharted shoals, and the number of times that they have collisions, suggest that we ought not to put so many eggs into one basket. But, I was saying that if the conferees have provided for any such monster as is suggested by the remark of the gentleman from Missouri [Mr. BARTHOLDT]—I am happy to say the chairman of the committee says it is not true—then the conferees have not represented the spirit and the wishes of the House of Representatives. [Applause.]

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

Mr. PADGETT. I yield three minutes to the gentleman from Alabama [Mr. BURNETT].

Mr. BURNETT. Mr. Speaker, I do not desire to elaborate the remarks I made the other day, but I want to call the attention of Members, especially on this side, to the fact that there is no resolution of the Democratic caucus which binds any man to vote for any battleship. He is left absolutely free upon that question to vote against any battleship if he desires to do so. I think the fact that the conference committee has gone out and agreed to an increase in the appropriation of $250,000 for powder ought to merit the disapproval of every Member, whether he is a battleship man or a no-battleship man; and as indicated by the Speaker, the only way to arrive at that is to vote down the conference report and send it back to conference; and I hope that not only Democrats but Republicans will vote down the report of the conferees in order that the bill may go back to conference and be there corrected.

The gentleman from New York [Mr. SULZER] seems to imagine that he has the concentrated wisdom of this House—and I have no doubt but that I might prove by him that he has that concentrated wisdom—when he says every man who is well informed as to the necessities of the canal, as to maintaining the Monroe doctrine and all these other things, is in favor of two battleships. Yet a Democratic caucus by more than a two-thirds vote said that no such thing as that should be. The gentleman assumes more wisdom than all the caucus. He and a few others who have always desired to be free-lances on this question, regardless of caucus action, seem to think that that two-thirds had no knowledge of the Monroe doctrine and the needs of the canal, and I have no doubt that the gentleman has learned much about these things since he has been the distinguished chairman of the Committee on Foreign Affairs, and possibly he has learned it all. I do not suppose he will ever learn anything hereafter; but those of us who have not been so fortunate hope that hereafter, perhaps, we may, under the tutelage of the distinguished gentleman, learn something of the necessity of battleships or no battleships, and for the maintenance of the canal.

One of the arguments for the canal was that it would reduce the number of battleships. We well remember how the *Oregon* had to go around the Horn in order to get to the Pacific side. When the canal is completed we can go through with our entire fleet and meet the terrible Japs that the gentleman and some other gentlemen on this floor seem to think are a constant menace. They have had us here with our hair standing on end, almost ready to grab our muskets and take to the bushes, fleeing from the Japs who were at our heels. [Laughter and applause.]

Mr. PADGETT. Mr. Speaker, I yield five minutes to the gentleman from Texas [Mr. HARDY].

Mr. HARDY. Mr. Speaker, I wish to take occasion to reiterate my frequently expressed opinion that God's great Christian nations are eternally loaded down with immense, unreasonable, unjustifiable expenditures in preparations for war. It has been said that over 70 per cent of the expenditures of this Government are incurred and have been incurred either in actual conduct of war or the preparations for war or taking care of the consequences of wars that are past.

Such a record, if it be true—and I think it unquestionably is—is a shame and disgrace to a Christian people. The fact is that struggling humanity from the dawn of civilization has labored under burdens almost too heavy to bear and always unjustifiable by reason of great wars that in the past have devastated all lands and burdened hard all people.

It would seem that as civilization advanced expenditures for wars ought to have decreased, but somehow it seems that notwithstanding the days of great invasions have gone; that no longer an Alexander invades the East or a Tamerlane invades the West; that great armies no longer build pyramids from skulls of their victims, as the army of Attila did in the past, the burdens of expenditures mount higher and higher into pyramids that rest on the shoulders of the people with eternal and increasing and ceaseless burden. [Applause.]

And how is it that this House, through all its sessions since I have been a Member, have been subjected to the process of browbeating and of newspaper criticism, as was suggested by the gentleman from Illinois, every time and every session when we must pass on the question of battleships?

Mr. ADAMSON. Will the gentleman yield?

Mr. HARDY. Yes.

Mr. ADAMSON. I would like to ask the gentleman, with his permission, if we, the real, honest patriots who oppose this foolish eternal jingoism about battleships wish to express our opposition to the further foolish policy of increasing the Navy at this time can we do so by voting "no" on this conference report?

Mr. HARDY. I think so; and that is what I intend to do. This is not the first time the publicity bureau or some other bureau has attempted to browbeat this House in behalf of shipbuilding or battleship interests. When the question of ship subsidy was before the House a year or so ago a certain publication was libeling and denouncing Members because they were opposed to a ship subsidy. Now we have a publicity bureau attacking the integrity or patriotism of the Democratic caucus and the sincerity of Democratic Members because we oppose at this time the building of additional battleships.

Mr. BATHRICK. Will the gentleman yield?

Mr. HARDY. I have only a minute.

Mr. BATHRICK. I would like to ask the gentleman to be specific and state what this publication is. I have seen no evidence of it undertaking to browbeat anybody.

Mr. HARDY. I am willing that the gentleman should content himself with the fact that he has not seen any evidence of it, but every newspaper in the city of Washington has been denunciatory of the Democratic Party and the Democratic caucus ever since we took action with reference to the battleships, and said that they were going to compel us to take two battleships. Now that some of us have yielded, in part, to their demands, they denounce us still.

Mr. BATHRICK. Does the gentleman think that we would do anything that we did not want to do because the newspapers of Washington were denouncing us?

Mr. HARDY. I think the newspapers have compelled the Democratic caucus to take backwater.

Mr. BATHRICK. They have had no influence on me.

Mr. HARDY. Well, they have not on me, and yet I have conceded and yielded out of consideration for those who could not stand up against this newspaper and shipbuilders' propaganda and war scare.

Mr. BURNETT. If the gentleman will pardon me, I want to say that one of my colleagues just stated that when the question was up a few weeks ago a New York newspaper man came to him and wanted an interview, and this Member said, "I am opposed to battleships," and the newspaper man then said, "You are not the one we are after; we want those who are favorable to battleships."

Mr. HARDY. Now, Mr. Speaker, I want to conclude by saying that we are the greatest Christian Nation on earth, and we ought to set a good example of the peaceful purposes and policies that the United States has to-day. An unarmed giant, she can walk the paths of peace and set an example to the nations of the world if she will. [Applause.]

Mr. PADGETT. Mr. Speaker, I yield 20 minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, I desire to call attention to two or three items in this bill, and the first one is an item to show how easy it is to put it over the House and the Senate. I do not think that was the intention in this case. There was an item in this bill as it passed the House providing for repairs to buildings at Helena, $25,000, and by the insertion of a comma and the striking out of the word "to" it provides "repairs, buildings" at Helena, under which they might commence buildings that would cost $25,000,000. I do not suppose that that will be done in this case, but in an item which goes through the House not subject to a point of order providing for repairs to buildings I doubt very much whether the conferees ought to agree to a proposition entirely changing the purpose of the item authorizing the construction of new buildings.

We have heard a great deal lately with reference to legislation on appropriatioin bills. There have been a good many criticisms at the other end of the Capitol and at the other end of the Avenue and even in this Chamber concerning legislation upon appropriation bills. I was very much surprised that the distinguished body at the other end of the Capitol should have inserted amendment 55 in this bill, which proposes a new plan entirely relating to the Nautical Almanac and the publication of the American Ephemeris, which repealed provisions of the Revised Statutes, and which does a number of other things concerning which not a word has ever before been uttered in the House, which is pure legislation, agreed to in toto in conference by the House conferees.

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

Mr. MANN. Yes.

Mr. FITZGERALD. I call the gentleman's attention to the fact also that this item was incorporated by the Senate after the department had submitted it in connection with the legislative appropriation bill, where it would probably belong, and after a very exhaustive investigation rejected by the Committee on Appropriations.

Mr. MANN. Mr. Speaker, I am much obliged to the gentleman. I was about myself to call attention to the fact that this item does not belong in the bill under any conditions, because this Committee on Naval Affairs does not have jurisdiction over the question at all so far as any appropriation is concerned.

Mr. FITZGERALD. And it proposes to dispose of clerks provided for in the legislative bill.

Mr. MANN. I am perfectly willing, Mr. Speaker, to admit that so far as I am concerned I am opposed to legislation on appropriation bills, unless it is a piece of legisfation that I am desirous of having enacted. [Laughter.]

Mr. FITZGERALD. That is the position of everybody who is opposed to legislation on appropriation bills, even the President of the United States, because he has urged himself legislation upon appropriation bills.

Mr. MANN. Mr. Speaker, we have been entertained in a small degree, but not to the limit that I had hoped, this morning by the Democratic side of the House upon the battleship proposition, and although I heard one gentleman use the term "false" nearly 40 times in the course of a speech, he received no rise from it. For an entire session of Congress we have been told repeatedly that the Democratic Members of the House would permit no new battleships to be provided for, and the distinguished gentleman from New York [Mr. SULZER] fulminated for a while in the press every day with a long interview credited to him, telling how we were going to skin the Democratic side and rise superior to partisanship and provide the two battleships. And other gentlemen on the Democratic side were insisting that if we had no public buildings then we should have no battleships; that if we should use money for battleships, we must use money for public buildings. Then also we were told that in the end they might agree to one new battleship, which would be more powerful and destructive than any ship yet proposed in the world. But when we come to brass tacks we provide for one new battleship of the same old type at the same old cost. Those who insisted that they would never yield short of two battleships, those who insisted that they would never yield to any battleship, those who insisted that if they had any battleship it should be more powerful than any yet constructed, all smilingly take their medicine, and the public-building bill remains to be divided up at the next session after the election.

But I notice that while we do not get two new battleships, yet the lobby which has been around Congress for many years in reference to the submarine torpedo boats will not go away disappointed this year. The House provided for four submarine torpedo boats, to cost $2,240,000. The Senate doubled the amount and made it eight, to cost $4,480,000; and without a word of discussion in the House, without the expression of a syllable of language, the torpedo submarine lobby gets away with the eight torpedo boats, much to my surprise. Many times these propositions have come to us before, but I think this is the first time that the House has agreed to the highest number of these submarines asked for. And they are to be located, four at the mouth of the Mississippi River, four for the Pacific coast, not because they are needed at those points, but because having them at those points will add to the influence of the submarine lobby next year and in years hereafter.

Mr. Speaker, I yield to my colleague from Illinois [Mr. CANNON].

The SPEAKER pro tempore (Mr. CURLEY). How much time?

Mr. MANN. Such time as he may desire.

[Mr. CANNON addressed the House. See Appendix.]

Mr. BUCHANAN. Mr. Speaker, I ask unanimous consent to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois? [After a pause.] The Chair hears none, and it is so ordered.

Mr. PADGETT. Mr. Speaker, I move the previous question on my motion to adopt the conference report.

The question was taken, and the previous question was ordered.

The SPEAKER pro tempore. The question is on agreeing to the conference report.

The question was taken, and the Speaker pro tempore announced the ayes seemed to have it.

Mr. MANN. Division, Mr. Speaker.

Mr. HENRY of Texas. Mr. Speaker, I make the point of order that there is no quorum present.

Mr. BURNETT. Mr. Speaker, I demand the yeas and nays.

Mr. HENRY of Texas. Mr. Speaker, I made the point of order that no quorum was present.

The SPEAKER pro tempore. The Chair will count, anyway, to ascertain whether there is a quorum present. [After counting.] Eighty-seven members are present, evidently not a quorum. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will proceed to call the roll.

Mr. SLAYDEN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will kindly state it.

Mr. SLAYDEN. I could not hear the statement of the Chair. Is this vote being taken on the adoption of the report?

The SPEAKER pro tempore. On the adoption of the report. Those in favor of adopting the conference report will, as their names are called, answer "aye," those opposed will answer "no," and the Clerk will call the roll.

The question was taken; and there were—yeas 150, nays 51, answered "present" 13, not voting 177, as follows:

YEAS—150.

Adair	Clayton	Focht	Hill
Aiken, S. C.	Cooper	Foss	Holland
Akin, N. Y.	Crago	Foster	Howell
Alexander	Curley	Fowler	Howland
Allen	Curry	Gallagher	Hughes, N. J.
Ansberry	Danforth	Gardner, Mass.	Hull
Anthony	Davis, Minn.	Gill	Humphrey, Wash.
Austin	Davis, W. Va.	Glass	Humphreys, Miss.
Bartholdt	De Forest	Godwin, N. C.	Johnson, Ky.
Bathrick	Dent	Graham	Jones
Beall, Tex.	Denver	Greene, Mass.	Kahn
Bowman	Dixon, Ind.	Greene, Vt.	Kendall
Brantley	Donohoe	Gregg, Pa.	Kennedy
Brown	Doremus	Griest	Kinkaid, Nebr.
Browning	Driscoll, D. A.	Hamilton, Mich.	Korbly
Bulkley	Driscoll, M. E.	Hamilton, W. Va.	Lafferty
Burke, S. Dak.	Dwight	Haugen	La Follette
Burke, Wis.	Estopinal	Hawley	Lamb
Byrns, Tenn.	Farr	Hay	Lee, Ga.
Cannon	Fergusson	Hayden	Lee, Pa.
Carlin	Fitzgerald	Helgesen	Lever
Carter	Flood, Va.	Helm	Linthicum

Littlepage	Murdock	Rodenberg	Talcott, N. Y.
Longworth	Murray	Rothermel	Taylor, Ohio
McCall	Needham	Saunders	Towner
McCoy	Norris	Sherley	Tuttle
McCreary	Olmsted	Sloan	Underhill
McDermott	Padgett	Small	Underwood
McKellar	Parran	Smith, J. M. C.	Utter
McKinley	Payne	Smith, Saml. W.	Watkins
McKinney	Pepper	Speer	Wedemeyer
McLaughlin	Pickett	Sterling	White
Mann	Post	Stone	Willis
Miller	Pray	Sulzer	Wilson, Ill.
Moon, Tenn.	Raker	Sweet	Wilson, Pa.
Morgan	Ransdell, La.	Switzer	Young, Kans.
Morrison	Rauch	Taggart	
Moss, Ind.	Rees	Talbott, Md.	

NAYS—51.

Ashbrook	Ferris	Howard	Slayden
Blackmon	Finley	Jacoway	Smith, Tex.
Booher	Floyd, Ark.	James	Stedman
Buchanan	George	Kitchin	Steenerson
Burnett	Goeke	Lewis	Stephens, Miss.
Candler	Goodwin, Ark.	Maguire, Nebr.	Stephens, Tex.
Claypool	Gray	Oldfield	Thayer
Cline	Hamlin	Rainey	Thomas
Cullop	Hardy	Roddenbery	Tribble
Davenport	Harrison, Miss.	Rucker, Mo.	Webb
Difenderfer	Heflin	Russell	Whitacre
Doughton	Henry, Tex.	Sims	Witherspoon
Faison	Hensley	Sisson	

ANSWERED "PRESENT"—13.

Adamson	Gillett	McMorran	Woods, Iowa.
Butler	Houston	Mondell	
Campbell	Hughes, W. Va.	Shackleford	
Garrett	Lobeck	Sparkman	

NOT VOTING—177.

Ainey	Dyer	Lafean	Randell, Tex.
Ames	Edwards	Langham	Redfield
Anderson, Minn.	Ellerbe	Langley	Reilly
Anderson, Ohio	Esch	Lawrence	Reyburn
Andrus	Evans	Legare	Richardson
Ayres	Fairchild	Lenroot	Riordan
Barchfeld	Fields	Levy	Roberts, Mass.
Barnhart	Fordney	Lindbergh	Roberts, Nev.
Bartlett	Fornes	Lindsay	Robinson
Bates	Francis	Littleton	Rouse
Bell, Ga.	French	Lloyd	Rubey
Berger	Fuller	Loud	Rucker, Colo.
Boehne	Gardner, N. J.	McGillicuddy	Sabath
Borland	Garner	McGuire, Okla.	Scully
Bradley	Goldfogle	McHenry	Sells
Broussard	Good	McKenzie	Sharp
Burgess	Gould	Macon	Sheppard
Burke, Pa.	Green, Iowa	Madden	Sherwood
Burleson	Gregg, Tex.	Maher	Simmons
Byrnes, S. C.	Gudger	Martin, Colo.	Slemp
Calder	Guernsey	Martin, S. Dak.	Smith, Cal.
Callaway	Hamill	Matthews	Smith, N. Y.
Cantrill	Hammond	Mays	Stack
Cary	Hanna	Moon, Pa.	Stanley
Clark, Fla.	Hardwick	Moore, Pa.	Stephens, Cal.
Collier	Harris	Moore, Tex.	Stephens, Nebr.
Connell	Harrison, N. Y.	Morse, Wis.	Stevens, Minn.
Conry	Hartman	Mott	Sulloway
Copley	Hayes	Neeley	Taylor, Ala.
Covington	Heald	Nelson	Taylor, Colo.
Cox, Ind.	Henry, Conn.	Nye	Thistlewood
Cox, Ohio	Higgins	O'Shaunessy	Tilson
Cravens	Hinds	Page	Townsend
Crumpacker	Hobson	Palmer	Turnbull
Currier	Hughes, Ga.	Patten, N. Y.	Vare
Dalzell	Jackson	Patton, Pa.	Volstead
Daugherty	Johnson, S. C.	Peters	Vreeland
Davidson	Kent	Plumley	Warburton
Dickinson	Kindred	Porter	Weeks
Dickson, Miss.	Kinkead, N. J.	Pou	Wilder
Dies	Knowland	Powers	Wilson, N. Y.
Dodds	Konig	Prince	Wood, N. J.
Draper	Konop	Prouty	Young, Mich.
Dupré	Kopp	Pujo	Young, Tex.

So the conference report was adopted.

The Clerk announced the following pairs:

For the remainder of the session:

Mr. COLLIER with Mr. WOODS of Iowa.

Mr. MCGILLICUDDY with Mr. GUERNSEY.

Mr. RIORDAN with Mr. ANDRUS.

Mr. FORNES with Mr. BRADLEY.

Mr. ADAMSON with Mr. STEVENS of Minnesota.

Mr. BARTLETT with Mr. BUTLER.

Mr. PAGE with Mr. MONDELL.

Mr. TURNBULL with Mr. HAYES.

Mr. ROUSE with Mr. PLUMLEY.

Mr. MOTT with Mr. SHARP.

Mr. EVANS with Mr. TILSON.

Mr. RUCKER of Colorado with Mr. DRAPER.

Mr. BELL of Georgia with Mr. LANGHAM.

Mr. BROUSSARD with Mr. YOUNG of Michigan.

Until further notice:

Mr. SHACKLEFORD with Mr. DYER.

Mr. BURLESON with Mr. BURKE of Pennsylvania.

Mr. BORLAND with Mr. COPLEY.

Mr. AYRES with Mr. AINEY.

Mr. ANDERSON of Ohio with Mr. BARCHFELD.

Mr. REILLY with Mr. MOORE of Pennsylvania.

Mr. YOUNG of Texas with Mr. REYBURN.

Mr. TOWNSEND with Mr. PROUTY.

Mr. STANLEY with Mr. NYE.

Mr. O'SHAUNESSY with Mr. MCKENZIE.

Mr. MOORE of Texas with Mr. PRINCE.

Mr. MARTIN of Colorado with Mr. PATTON of Pennsylvania.

Mr. LLOYD with Mr. MCGUIRE of Oklahoma.

Mr. HAMILL with Mr. MATTHEWS.

Mr. CONRY with Mr. JACKSON.

Mr. KONOP with Mr. LAWRENCE.

Mr. KINKEAD of New Jersey with Mr. LAFEAN.

Mr. HUGHES of Georgia with Mr. SELLS.

Mr. HAMMOND with Mr. SULLOWAY.

Mr. GREGG of Texas with Mr. VARE.

Mr. GOULD with Mr. WARBURTON.

Mr. FRANCIS with Mr. WOOD of New Jersey.

Mr. DUPRÉ with Mr. CURRIER.

Mr. DIES with Mr. CRUMPACKER.

Mr. COVINGTON with Mr. HEALD.

Mr. CONNELL with Mr. HARRIS.

Mr. CLARK of Florida with Mr. GARDNER of New Jersey.

Mr. CANTRILL with Mr. FULLER.

Mr. CALLAWAY with Mr. FRENCH.

Mr. MAYS with Mr. THISTLEWOOD.

Mr. SPARKMAN with Mr. DAVIDSON.

Mr. DICKINSON with Mr. FAIRCHILD.

Mr. GARRETT with Mr. FORDNEY.

Mr. TAYLOR of Alabama with Mr. HARTMAN.

Mr. GARNER with Mr. HINDS.

Mr. POU with Mr. PORTER.

Mr. ELLERBE with Mr. WILDER.

Mr. BOEHNE with Mr. ROBERTS of Nevada.

Mr. HARDWICK with Mr. CAMPBELL.

Mr. GOLDFOGLE with Mr. HIGGINS.

Mr. NEELEY with Mr. ROBERTS of Massachusetts.

Mr. GUDGER with Mr. HUGHES of West Virginia.

Mr. RICHARDSON with Mr. MARTIN of South Dakota.

Mr. EDWARDS with Mr. DALZELL.

Mr. RUBEY with Mr. KNOWLAND.

Mr. BARNHART with Mr. DODDS.

Mr. TAYLOR of Colorado with Mr. AMES.

Mr. RANDELL of Texas with Mr. SMITH of California.

Mr. FIELDS with Mr. LANGLEY.

Mr. PATTEN of New York with Mr. POWERS.

Mr. DAUGHERTY with Mr. KOPP.

Mr. COX of Indiana with Mr. HANNA.

Mr. HOUSTON with Mr. MOON of Pennsylvania.

Mr. SHERWOOD with Mr. SLEMP.

Mr. LOBECK with Mr. ANDERSON of Minnesota.

Mr. WILSON of New York with Mr. STEPHENS of California.

Mr. HOBSON with Mr. GOOD (not to apply on veto of legislative bill).

Mr. PALMER with Mr. HENRY of Connecticut.

Mr. BRANTLEY with Mr. CALDER.

Mr. LEGARE with Mr. LOUD.

Mr. STEPHENS of Nebraska with Mr. GREEN of Iowa.

Mr. PETERS with Mr. VREELAND.

Mr. SCULLY with Mr. SIMMONS.

Mr. JOHNSON of South Carolina with Mr. GILLETT.

On this vote:

Mr. BURGESS with Mr. WEEKS.

Mr. PUJO with Mr. MCMORRAN.

Mr. SHEPPARD with Mr. BATES.

Until August 28:

Mr. BYRNES of South Carolina with Mr. MADDEN.

Mr. CAMPBELL. Mr. Speaker, is the gentleman from Georgia, Mr. HARDWICK, recorded?

The SPEAKER. He is not recorded.

Mr. CAMPBELL. I voted "aye." I have a general pair with him, and therefore I desire to withdraw that vote and vote "present."

The SPEAKER. The conference report is adopted. Further proceedings under the call are dispensed with, and the Doorkeeper will open the doors.

On motion of Mr. PADGETT, a motion to reconsider the vote by which the conference report was adopted was laid on the table.

EXTENSION OF REMARKS.

Mr. GRAY. Mr. Speaker, having lost out on time in debate, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Indiana [Mr. GRAY] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. FOSS. Mr. Speaker, I desire to make a similar request.

The SPEAKER. The gentleman from Illinois [Mr. Foss] asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. FINLEY. I make the same request, Mr. Speaker.

The SPEAKER. The gentleman from South Carolina [Mr. FINLEY] makes the same request. Is there objection?

There was no objection.

FUR-SEAL CONVENTION.

Mr. SULZER. Mr. Speaker, I call up the conference report on the disagreeing votes of the two Houses on the bill to carry into effect the fur-seal convention, and move its adoption.

The SPEAKER. The Clerk will report the bill.

The Clerk read the title of the bill, as follows:

An act (H. R. 16571) to give effect to the convention between the Governments of the United States, Great Britain, Japan, and Russia for the preservation and protection of the fur seals and sea otter which frequent the waters of the North Pacific Ocean, concluded at Washington, July 7, 1911.

Mr. SULZER. I ask, Mr. Speaker, that the conference report and accompanying statement be read. The statement is very short.

The SPEAKER. The Clerk will read the report and statement.

The conference report and statement were read as follows:

CONFERENCE REPORT (NO. 1216).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16571) to give effect to the convention between the Governments of the United States, Great Britain, Japan, and Russia for the preservation and protection of the fur seals and sea otter which frequent the waters of the north Pacific Ocean, concluded at Washington, July 7, 1911, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1 and agree to the same with an amendment as follows:

"SEC. 11. That from and after the approval of this act all killing of fur seals on the Pribilof Islands, or anywhere within the jurisdiction of the United States in Alaska, shall be suspended for a period of five years, and shall be, and is hereby, declared to be unlawful; and all punishments and penalties heretofore enacted for the illegal killing of fur seals shall be applicable and inflicted upon offenders under this section: *Provided*, That this prohibition shall not apply to the annual killing on the Pribilof Islands of such male seals as are needed to supply food, clothing, and boat skins for the natives on the islands, as is provided for in article 11 of said convention; the skins of all seals so used for food shall be preserved and annually sold by the Government, and proceeds of such annual sales shall be covered into the Treasury of the United States: *Provided further*, That at the expiration of the said five years' suspension of all commercial killing as above provided, said killing may be resumed under authority of the Secretary of Commerce and Labor: *Provided, however*, That the number of 3-year-old males selected from among the finest and most perfect seals of that age found on the hauling grounds, to be reserved for breeding purposes, in each year ending August 1, shall not be fewer than the following: In 1917, and in each year thereafter until 1926, inclusive, 5,000. The Secretary of Commerce and Labor, or his authorized agents, shall have authority to receive on behalf of the United States any and all fur-seal skins taken as provided in the thirteenth and fourteenth articles of said convention and tendered for delivery by the Governments of Japan and Great Britain in accordance with the terms of said articles; and all skins which are or shall become the property of the United States from any source whatsoever shall be sold by the Secretary of Commerce and Labor in such market, at such times, and in such manner as he may deem most advantageous; and the proceeds of such sale or sales shall be paid into the Treasury of the United States. The Secretary of Commerce and Labor shall likewise have authority to deliver to the authorized agents of the Canadian Government and the Japanese Government the skins to which they are entitled under the provisions of the tenth article of said convention; to pay to Great Britain and Japan such sums as they are entitled to receive, respectively, under the provisions of the eleventh article of said convention; to retain such skins as the United States may be entitled to retain under the provisions of the eleventh article of said convention; and to do or perform, or cause to be done or performed, any and every act which the United States is authorized or obliged to do or perform by the provisions of the tenth, eleventh, thirteenth, and fourteenth articles of said convention; and to enable the Secretary of Commerce and Labor to carry out the provisions of the said eleventh article there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $400,000."

WM. SULZER,
H. D. FLOOD,
WM. B. MCKINLEY,
Managers on the part of the House.

H. C. LODGE,
WILLIAM ALDEN SMITH,
BENJ. F. SHIVELY,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on H. R. 16571, to give effect to the convention between the Governments of the United States, Great Britain, Japan, and Russia for the preservation and protection of the fur seals and sea otter which frequent the waters of the north Pacific Ocean, concluded at Washington, July 7, 1911, submit the following statement:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

Section 11, page 10, line 10, strike out the word "ten" and insert the word "five."

Section 11, page 10, line 22, strike out the word "ten" and insert the word "five."

Section 11, page 11, in lines 4 and 5, after the word "following," strike out "In 1922" and insert "In 1917."

This is a compromise between the opposing views of the two Houses. There was only one point in difference between the two Houses, the length of the closed season, and the conferees agreed upon a closed season substantially of five years. The compromise was absolutely necessary, because it was essential that the bill should pass at this session, as a failure to pass it would probably lead to the loss of the treaties by which pelagic sealing has been stopped, a consummation, in view of all the circumstances, that would be deplorable.

WM. SULZER,
HENRY D. FLOOD,
WILLIAM B. MCKINLEY,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and the conference report was agreed to.

On motion of Mr. SULZER, a motion to reconsider the vote whereby the conference report was agreed to was laid on the table.

EXTENSION OF REMARKS.

Mr. GARDNER of Massachusetts. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Massachusetts [Mr. GARDNER] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. MANN. Mr. Speaker, I make the same request.

The SPEAKER. The gentleman from Illinois [Mr. MANN] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. HOWLAND. Mr. Speaker, I make the same request.

Mr. COOPER. I make the same request, Mr. Speaker.

Mr. DONOHOE. Mr. Speaker, I make the same request.

Mr. KAHN. And, Mr. Speaker, I make the same request.

The SPEAKER. All these gentlemen ask unanimous consent to extend their remarks in the RECORD. Is there objection?

There was no objection.

FUR-SEAL CONVENTION (H. DOC. NO. 916).

Mr. SULZER. Mr. Speaker, I ask unanimous consent that the gentleman from Iowa [Mr. KENDALL], a member of the Committee on Foreign Affairs, may have leave to print in the RECORD, as a part of his remarks, the fur-seal treaty and also the bill carrying it into effect as finally passed.

Mr. KENDALL. Yes; and the bill as it finally passed.

The SPEAKER. Unanimous consent is asked that the gentleman from Iowa [Mr. KENDALL] may print in the RECORD, as a part of the fur-seal discussion, the treaty and the bill as it finally passed.

Mr. MANN. Would it not be better, instead of printing it in the RECORD, to print it as a House document?

Mr. KENDALL. That would be better. I accept that suggestion, to print the treaty and the bill as a separate document.

The SPEAKER. Is there objection?

There was no objection.

LEGISLATIVE ASSEMBLY, TERRITORY OF ALASKA.

Mr. FLOOD of Virginia. Mr. Speaker, I call up the conference report on House bill 38, to create a legislative assembly in the Territory of Alaska, to confer legislative power thereon, and for other purposes, and ask that the statement be read instead of the conference report, and that the conference report be agreed to.

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

The conference report is as follows:

CONFERENCE REPORT (NO. 1212).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 38) to create a legislative assembly in the Territory of Alaska, to confer legislative power thereon, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4, 5, 6, 23, 24, 25, 26, 27, 28, 41, 42, 43, 46, 47, 49, 50, 53, 54, 55, 56, 57, 59, 60, 62, and 63.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 18, 19, 20, 21, 22, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 44, 45, 48, 51, 52, 58, 61, 64, 65, 66, 67, 69, and 70, and agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: After "thereof," in line 8 of the proposed amendment, insert: "*Provided further*, That this provision shall not operate to prevent the legislature from imposing other and additional taxes or licenses"; and the Senate agree to the same.

Amendments numbered 7, 8, 9, 10, 11, 12, 13, 14, 15: That the House recede from its disagreement to the amendments of the Senate numbered 7, 8, 9, 10, 11, 12, 13, 14, 15, and agree to the same with an amendment as follows: In lieu of the language in the bill and the proposed amendments strike out all after "years," page 18, line 3, of the bill, down to and including "election," line 2, page 4, of the bill, and insert: "And each representative shall possess the same qualifications as are prescribed for members of the senate and the persons receiving the highest number of legal votes in each judicial division cast in said election for senator or representative shall be deemed and declared elected to such office: *Provided*, That in the event of a tie vote the candidates thus affected shall settle the question by lot. In case of a vacancy in either branch of the legislature the governor shall order an election to fill such vacancy, giving due and proper notice thereof"; and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of the language proposed to be stricken out insert "of the legislature"; and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In lieu of the language proposed to the stricken out insert "the legislature is"; and the Senate agree to the same.

Amendment numbered 68: That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment as follows: Strike out all after the word "thereof," in line 12 of the proposed amendment, down to and including "and," in line 15; and the Senate agree to the same.

H. D. FLOOD,
W. C. HOUSTON,
W. W. WEDEMEYER,
Managers on the part of the House.
WILLIAM ALDEN SMITH,
KNUTE NELSON,
GEO. E. CHAMBERLAIN,
Managers on the part of the Senate.

The statement was read, as follows:

STATEMENT.

Amendments Nos. 4, 5, 6, 23, 24, 25, 26, 27, 28, 41, 42, 43, 46, 47, 49, 50, 53, 54, 55, 56, 57, 59, 60, 62, and 63, on all of which the Senate recedes, relate to the general amendment proposed by the Senate striking out the upper house of the Alaska Legislature. The bill as passed by the House provided a legislative body of two houses, the upper house, or senate, to consist of 8 members and the lower house to consist of 16 members. The Senate amended the bill by striking out the upper house, and all the above amendments were made by the Senate to make the bill conform to that. The Senate has receded and the bill is left in that respect as it was originally passed by this House.

Amendment No. 1, made by the Senate, provides that the Alaska Legislature shall have no authority to alter, amend, modify, or repeal the laws in force in Alaska in relation to fur-seal laws passed by Congress. The conferees receded from the disagreement of the House on this amendment and agreed to the same.

Amendment No. 2 reserves to Congress exclusive authority to pass laws relating to fur-bearing animals in Alaska. The conferees receded from the House disagreement to this Senate amendment and agreed thereto.

Amendment No. 18 strikes out the words "and no more," as mere surplusage, on page 4, line 8, in section 4 of the bill, in the sentence providing for mileage to be paid to members of the legislature. The conferees receded from the House disagreement to this Senate amendment and agreed thereto.

Amendment No. 19 requires the governor in calling an extraordinary session of the legislature to set forth the object and give at least 30 days' written notice to each member of the legislature of the meeting. The conferees receded from the House disagreement to this Senate amendment and agreed thereto.

Amendments No. 20 and No. 21 reduce the length of the extraordinary session of the Alaska Legislature, when called by the governor, from 30 to 15 days. The conferees receded from the House disagreement to this Senate amendment and agreed thereto.

Amendment No. 22 relates to the power of the governor to call an extraordinary session of the Alaska Legislature, and limits his power to those cases "when requested to do so by the President of the United States, or when any grave public danger or necessity may require it"; the Senate amendment strikes out the word "grave"; the conferees receded from the House disagreement to this Senate amendment and agreed thereto.

Amendment No. 29 corrects the title of the legislature by striking out "legislative assembly" and inserting "legislature"; the conferees receded from the House disagreement to this Senate amendment and agreed thereto.

Amendment No. 30 is a recast of a sentence prohibiting the legislature from intermixing several unrelated matters in one act, and expressing the same idea more concisely and in fewer words; the conferees receded from the House disagreement to this Senate amendment and agreed thereto.

Amendments Nos. 31, 32, 33, and 34 affect only verbiage and correct the style and grammar, without materially changing the meaning of the House bill; the conferees receded from the House disagreement to these Senate amendments and agreed thereto.

Amendment No. 35 limits the authority of the Legislature of Alaska to the creation of corporations or associations whose chief business shall be in the Territory of Alaska. The conferees receded from the House disagreement to this Senate amendment and agreed thereto.

Amendments Nos. 36, 37, and 38 make verbal changes in the proviso which requires "That all authorized indebtedness shall be paid in the order of its creation." The conferees receded from the House disagreement to these Senate amendments and agreed thereto.

Amendments Nos. 39, 40, 44, 45, 48, 51, 52, 64, 65, and 66 merely correct clerical mistakes and verbal surplusage. The conferees receded from the House disagreement to these Senate amendments and agreed thereto.

Amendment No. 58 requires that when a bill has been passed by either house of the Alaska Legislature it shall be enrolled before being sent to the other house. The conferees receded from the House disagreement to this Senate amendment and agreed thereto.

Amendment No. 61 provides that no law passed by the Legislature of Alaska shall be in force until "at the expiration of 90 days thereafter, unless sooner given effect by a two-thirds vote of said legislature." The conferees receded from the House disagreement to this Senate amendment and agreed thereto.

Amendment No. 67 is a new section changing the date of the election for Delegate to Congress from Alaska from the month of August so that it shall be held on the Tuesday next after the first Monday in November, in 1914, and every two years thereafter, so that the Delegate election and that for members of the legislature may then and thereafter be held at the same time

under the same law passed by Congress. The conferees receded from the House disagreement to this Senate amendment and agreed thereto.

Amendment No. 69 gives the Committees on Territories in the Senate and House authority to jointly codify, compile, publish, and annotate all the laws of the United States applicable to Alaska, to employ assistance for that purpose, and appropriates $5,000 to pay therefor. The conferees receded from the House disagreement to this Senate amendment and agreed thereto.

Amendment No. 70 merely corrects the numbering of sections in the bill. The conferees receded from the House disagreement to this Senate amendment and agreed thereto.

Amendment No. 3 is a prohibition against the Legislature of Alaska from repealing those laws passed by Congress providing for taxes on business and trade in Alaska which go to make up the "Alaska fund" in the United States Treasury, and which fund is expended in Alaska for roads, bridges, and trails, the care of insane, and the support of schools. The conferees receded from the House disagreement to this Senate amendment and agreed to the same with an amendment as follows: After the word "thereof," in line 8 of the proposed amendment, insert:

Provided further, That this provision shall not operate to prevent the legislature from imposing other and additional taxes or licenses.

Amendments Nos. 7, 8, 9, 10, 11, 12, 13, 14, and 15 all relate to the general subject of striking out the upper house of the Alaska Legislature, the practice in case of a tie vote, and election to fill a vacancy. The upper house having been restored in conference, the conferees receded from the House disagreement to these amendments and agreed to the same with amendments fitting them to the double-chamber plan.

Amendments Nos. 16 and 17 change the words "legislative assembly" to "legislature," to conform to the general rule. The conferees receded from the House disagreement to these Senate amendments and agreed thereto.

Amendment No. 68 is a new section creating a railroad commission, to be appointed by the President, to examine into and report to Congress on railroad routes in Alaska, and making an appropriation of $25,000, or so much thereof as may be necessary, to defray the expenses of said commission. The conferees receded from the House disagreement to this Senate amendment, and agreed thereto with an amendment striking out the clause requiring a report on "the best system of constructing and operating railroads and coal mines in said Territory for the use of the Government in naval and military operations."

H. D. FLOOD,
W. C. HOUSTON,
W. W. WEDEMEYER,
Managers on the part of the House.

Mr. FLOOD of Virginia. Mr. Speaker, I move that the report be agreed to.

The SPEAKER. The question is on the adoption of the conference report.

Mr. MANN. Mr. Speaker, I notice that as to the amendment No. 68 the conferees have stricken out a portion of the amendment and left in a portion which I understood was to be stricken out. It sounds harmless, but I would like to know what it means.

Mr. FLOOD of Virginia. Is the gentleman from Illinois [Mr. MANN] asking me a question?

Mr. MANN. I am getting ready to.

Mr. FLOOD of Virginia. I can not hear it.

Mr. MANN. That amendment provides for the appointment of a commission, and, with the amendment agreed to in conference, would now provide for a commission "to make a report to Congress on or before the 1st day of December next, or as soon thereafter as may be practicable, together with their conclusions and recommendations with respect to the best and most available routes for railroads in Alaska, which will develop the country and the resources thereof for the use of the people of the United States." The language of the Senate amendment was—

Which will develop the country and the resources thereof, and the best system of constructing and operating railroads and coal mines in said Territory for the use of the Government in naval and military operations, and for use of the people of the United States.

The gentleman knows that I objected to that provision in the bill, because I objected to a commission to consist of one Army engineer, one naval engineer, one geologist, and one railroad builder, to endeavor to determine or recommend to Congress what it should determine as to the policy that the Government should pursue concerning the operation and construction of railroads or other resources in Alaska.

I understood that provision was to go out in conference. I see a part of it goes out in conference, and yet the commission is required to report upon the best routes for railroads in Alaska, which will develop the country and the resources thereof for the use of the people of the United States.

Mr. FLOOD of Virginia. Mr. Speaker, I will say to the gentleman that the change was made upon the insistence of the House conferees, and they insisted upon that change in deference to the views of the gentleman from Illinois. I thought we were carrying out the views expressed by him. The objection he had to the Senate amendment was that it authorized the commission to make inquiry in reference to coal lands in Alaska.

Mr. MANN. To the extent that the language was stricken out I plead guilty, and I do not hesitate to say that I said to the gentleman from Virginia and other gentlemen that if they wanted to send this bill to conference with that language to remain in it, it would have to be done under the rules of the House.

What I wish to inquire now is why all of the language which was to be stricken out was not stricken out? Was it a misunderstanding as to what should be stricken out, or was this latter language left in for some special reason?

Mr. FLOOD of Virginia. If the language that was objectionable to the gentleman from Illinois was not stricken out in conference it was due to a mistake.

Mr. MANN. I have no desire to complain. I know how these things happen. I wondered whether it was that, or whether other reasons were given for keeping this language in. If they were given, I wanted to know what they were.

Mr. FLOOD of Virginia. Not at all. I wanted to conform to the suggestions made by the gentleman.

Mr. MANN. I will not complain.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

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

Mr. FLOOD of Virginia. Mr. Speaker, there is one very important matter in connection with this bill which we have just passed. There are three mistakes, evidently clerical errors, which were committed in the Senate in reference to changes that are made in certain lines, giving the lines wrong. With the assistance of the gentleman from Illinois [Mr. MANN] I have drawn a concurrent resolution so that they can be corrected. I ask that it be adopted.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House concurrent resolution 62.

Resolved by the House of Representatives (the Senate concurring), That the Enrolling Clerk of the House, in the enrollment of the bill (H. R. 38) entitled "An act to create a legislative assembly in the Territory of Alaska, to confer legislative power thereon, and for other purposes," be directed to regard the matter furnished in the conference report to be inserted in lieu of amendments Nos. 7 to 15, inclusive, as following the word "years," on page 3, line 18; and that the matter proposed to be stricken from amendment No. 68, as set forth in said conference report, be designated: "All after the word 'thereof,' in line 21 of the proposed amendment, down to and including 'and' in line 24."

The SPEAKER. The question is on agreeing to the concurrent resolution.

The concurrent resolution was agreed to.

CONTESTED-ELECTION CASE—WILEY AGAINST HUGHES OF WEST VIRGINIA.

Mr. COVINGTON. Mr. Speaker, I move the adoption of the resolution from the Committee on Elections No. 1 which I send to the Clerk's desk.

The SPEAKER. The gentleman from Maryland presents a privileged report from the Committee on Elections No. 1. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 703 (H. Rept. 1229).

Resolved, That James A. Hughes was elected a Representative in the Sixty-second Congress from the fifth district of West Virgina, and is entitled to a seat therein.

The SPEAKER. Is this a unanimous report?

Mr. COVINGTON. It is.

The resolution was agreed to.

CONTESTED-ELECTION CASE—WISE AGAINST CRAGO.

Mr. ANSBERRY. Mr. Speaker, I desire to present a privileged report from the Committee on Elections No. 1.

The SPEAKER. The gentleman from Ohio presents a privileged report from Committee on Elections No. 1. It will be read by the Clerk.

The Clerk read as follows:

House resolution 704 (H. Rept. 1230).

Resolved, That House resolution No. 318, to-wit:

"*Resolved*, That Jesse H. Wise, contesting the right of the Hon. Thomas S. Crago to a seat in this House as a Representative from

the twenty-third district of Pennsylvania, be, and he is hereby, required to serve upon the said Crago, within eight days after the passage of this resolution, a particular statement of the grounds of said contest; and that the said Crago be, and he is hereby, required to serve upon said Wise his answer thereto in eight days thereafter; and that both parties be allowed such time for the taking of testimony in support of their several allegations and denials as is provided by the act of February 19, 1851."

which was introduced in the House of Representatives by Mr. PALMER, of Pennsylvania, at the second session Sixty-second Congress, and which was referred to the Committee on Elections No. 1, be not agreed to.

The SPEAKER. Is this a unanimous report?

Mr. ANSBERRY. It is, Mr. Speaker, a unanimous report.

The SPEAKER. The question is on the adoption of the report.

The question was taken, and the report was adopted.

DAM ACROSS THE COOSA RIVER, ALA.

Mr. HEFLIN. Mr. Speaker, I call up from the Speaker's table the bill (S. 7343) to authorize the building of a dam across the Coosa River, Ala., at the place selected for Lock No. 18 on said river.

I have the written authority from the Committee on Interstate and Foreign Commerce, signed by 11 members of the committee, which is a quorum. I ask to take the bill from the table and consider it at this time.

Mr. FOSTER. Mr. Speaker, I make the point of order that the authority which the gentleman has is not an authority in accordance with the rules of the House.

The SPEAKER. How many members are on the committee?

Mr. FOSTER. That is not the ground that I make the point of order on.

The SPEAKER. What is the gentleman's point of order?

Mr. FOSTER. I make the point of order that on page 205 of Jefferson's Manual the paragraph says:

A committee meet when and where they please, if the House has not ordered time and place for them, but they can only act when together, and not by separate consultation and consent—nothing being the report of the committee but what has been agreed to in committee actually assembled.

Now, I call the attention of the Speaker to volume 4, Hinds' Precedents, pages 934 and 935:

Committees can only agree to a report acting together. On January 9, 1905, Mr. JOHN S. WILLIAMS, of Mississippi, asked unanimous consent for the present consideration of House resolution No. 415, relating to statistics of the ginning of cotton; and the following paper was presented, Mr. WILLIAMS speaking of it as "a unanimous report" from the Committee on the Census:

COMMITTEE ON THE CENSUS, *January 9, 1905.*

We, the undersigned members of the Committee on the Census, agree to a favorable report on House resolution No. 415, and further agree that its author, Mr. WILLIAMS, of Mississippi, may call up same when the opportunity presents itself.

E. D. CRUMPACKER, *Chairman.*
JAMES KENNEDY.
F. M. GRIFFITH.
G. B. PATTERSON.
A. S. BURLESON.
JOE T. ROBINSON.
JAMES HAY.

The Chair understands that, in point of fact, the formal report has not been made from the Committee on the Census, although there is a paper on the Clerk's desk signed by a majority of the members of that committee. The Chair supposes that the proper form would be to ask unanimous consent that the Committee on the Census be discharged from the further consideration of the resolution, as the formal report has not been made, and the same be considered in the House.

I take it, Mr. Speaker, that this paper which the gentleman from Alabama now presents to the House as an authority from the Committee on Interstate and Foreign Commerce was secured by taking the paper around to the individual members and having them sign, and although a majority of the committee did sign it, it is not the report of the committee, which can only be made when the committee is actually called together and in session.

Mr. HEFLIN. Mr. Speaker, in reply to the gentleman I desire to state that the committee was called together, that the committee did have a meeting, and that some of the members of the committee assembled in the committee room, took this action, and informed the other members who were absent of their action and asked them to indorse their action. They did so, and a majority of that committee has signed this written authorization to me to take up the bill on the Speaker's table. It is a different case from that cited by the gentleman from Hinds' Precedents.

Mr. FOSTER. Mr. Speaker, does the gentleman contend that the committee had a formal meeting in the committee room at which a quorum was present, and then and there they passed a motion that the gentleman from Alabama should bring up this bill, and that a majority of the committee signed the paper which he has in his possession?

Mr. HEFLIN. Mr. Speaker, some member of the committee must raise that question in the committee room of no quorum. The authority I have is signed by a majority of this committee and is sufficient, in my judgment, to authorize me to take up this measure and to consider it. No point was made of no quorum being present at the committee meeting, and that is not a question to be raised here. Eleven of that committee makes a clear majority, and they did authorize me in writing to call up this bill. I am the author of the bill, favorably reported in the House; a bill like it has been reported by the Senate committee and almost unanimously passed by the Senate. This bill affects my district, my people, and my State.

Both Senators and every Member of Congress in this House, the governor of my State, the commissioner of agriculture are all in favor of it, and I appeal to the gentleman from Illinois, if upon no other ground, that he allow me and my people to say what shall be done in this purely local matter. [Applause.]

Mr. FOSTER. I will state to the gentleman from Alabama that I am perfectly willing to take up the bill if the gentleman will submit to certain amendments that ought to be put on the bill. I understand the gentleman from Alabama is opposed to any amendment to the Senate bill now on the Speaker's table.

Mr. HEFLIN. The gentleman is entirely correct.

Mr. FOSTER. I have no objection and am as anxious, Mr. Speaker, as the gentleman from Alabama that these bills should be taken up and considered in the proper way when proper consideration of this House can be given to them, but I realize and he must realize that at this late day in the session these differences can not be settled here upon the floor with the proper discussion and consideration that ought to be given to them. But that is not speaking to the point of order. I submit, Mr. Speaker, that the gentleman can not and will not contend that in the Committee on Interstate and Foreign Commerce there was a majority of those members there and that they formally agreed that the gentleman from Alabama had the right and was authorized to come before this House with this paper giving him the permission and authorization to call up this bill whenever he could get the opportunity so to do.

Mr. HEFLIN. Mr. Speaker, I wish to say in reply to the gentleman that I offered to divide time with him, that he and those with him might have an opportunity to offer any amendment they wished to offer and have those amendments pending and at the conclusion of the debate have them all voted upon. I have not sought to take any snap judgment on the gentleman. I do oppose the amendments which he proposes, but I was willing to have the House pass on them, and when the gentleman undertook at the last moment to put me out on a point of order, I did not consider that he was entitled to have any of my time; but I am willing now that he may offer his amendments and have them pending, and let the House determine in what form the bill shall pass.

The SPEAKER. What does the gentleman from Illinois say to that proposition—to offer the amendments and have them pending and voted on?

Mr. MANN. Mr. Speaker, I should like to have the point of order settled first.

Mr. UNDERWOOD. Mr. Speaker, as I understand, the gentleman from Alabama [Mr. HEFLIN] states that there has been a meeting of this committee, and that this committee has authorized him to call up this bill. The gentleman from Illinois [Mr. FOSTER] demands proof of a quorum. The committees of this House are governed by the rules of this House. There is a great deal of legislation that goes through this House without a quorum being present, but the courts of the land do not require proof of a quorum where the point of order has not been made that a quorum was not present. What is in order in the House is unquestionably in order in any committee of the House, because they are governed by the rules of the House. If this committee had met and had authorized the gentleman from Alabama to call up this bill, it is not for him to show that there was a quorum present at a meeting of that committee. It is for the gentleman from Illinois to show that there was no quorum present, and unless that is affirmatively shown, or it is shown that the records of the committee show that there was no quorum present, then the gentleman from Alabama has complied with the rules of the House.

But more than that, Mr. Speaker, I think the question as to whether a majority of a committee can under this rule authorize the calling up of a bill on the Speaker's table, so far as I have knowledge of it, has not been directly decided either way in this House. Of course we all know that it is not unusual and it is customary at times for a majority of a committee to sign a petition and authorize a bill to be reported. There is a direct decision against the reporting of a bill, which the gentleman from Illinois has read to the Speaker.

There is a very grave distinction between the reporting of a bill and the authorization of the consideration of a bill. In the first place, the Speaker should bear in mind that when a committee passes on a bill they pass on a whole legislative

bill. There are matters of grave importance. Amendments may be pending. But when you come to consider the question of withdrawing a bill from the table that has already been considered by the same committee, and an identical bill passed on, and passed on favorably, by the committee, it seems to me that the broad intent of the rule is not to let any Member of the House, on his motion, go out and call bills off the Speaker's table, but to let the responsibility rest with the committee. There is no action for the committee to take whatever except to give permission to call up the bill. There is no consideration of the bill to be given, because they have already considered the bill and reported it to the House, and it is only a question as to whether the majority of the members of that committee are willing that the bill may be presented to the House for legislative purposes. As the question is open, and as there is no direct decision to prevent the Speaker from giving a broad interpretation to this clause of the rule or a narrow interpretation that is intended to block the legislation of this House, I say the time has come when the Speaker of this House can well stand for the right of every gentleman who represents a constituency on this floor to have a fair and free opportunity to bring before the House the legislation that his constituents are vitally interested in. [Applause.] If the Speaker holds that this paper signed by a majority of the members of this committee is sufficient authority to call up this bill, it may be a construction of the rule that no one else has made, but it will be a construction in the interest of legislation; it will be a construction of the rule in the interest not of a few men blocking legislation on the floor of this House, not of a few men demanding the right, not by a majority vote of this House but by the power of the rules, to prevent a man's constituency from having a free opportunity to be heard on the floor of this House. And I say that the Speaker in deciding this question should not be confined to the narrow interpretation, but to that broad interpretation which my colleague from Alabama is taking and which he has shown his willingness to grant when the gentleman said to the gentleman from Illinois that if the bill came up he might have free and ample opportunity before the previous question is ordered to offer his amendments and let the majority of this House decide that question on its merits. [Applause.]

Mr. GARDNER of Massachusetts. Before the gentleman sits down I should like to ask him a question. Suppose that a committee by a vote of 5 to 3, without a quorum being present and without the point of no quorum being raised, had voted to report this bill? Do you think that would have been the report of the committee?

Mr. UNDERWOOD. That question is not before this House whether there was a quorum. That is a question to be determined by the committee and determined——

Mr. GARDNER of Massachusetts. Would it, in the opinion of the gentleman, be the report of the committee if the point of no quorum had not been raised?

Mr. UNDERWOOD. If a committee reports to this House and the records of that committee show that the committee met and there is nothing there to indicate that there was not a quorum present, a majority of those present helping to report the bill to this House, unless there is something to indicate affirmatively that there was not a quorum present, just as it is in this House——

Mr. GARDNER of Massachusetts. I think it is quite different in this House.

Mr. CLAYTON. There was a presumption of a quorum.

Mr. GARDNER of Massachusetts. I understand the gentleman holds that it would be the report of the committee, if five out of eight vote in the affirmative. That is to say, I understand it is the opinion of the gentleman that when the point of no quorum is not raised in committee and the committee reports a bill favorably by a vote of 5 to 3, then that is the report of the committee, and that since——

Mr. UNDERWOOD. The gentleman puts words in my mouth. I am not speaking of a vote of 5 to 3.

Mr. GARDNER of Massachusetts. Of a majority.

Mr. UNDERWOOD. I do not desire to answer that question.

Mr. GARDNER of Massachusetts. Then, Mr. Speaker, I shall go on and develop the logical conclusions.

Mr. UNDERWOOD. I decline to answer the question. I say this House is governed by the records of the committee, and if they do not disclose there is no quorum present——

Mr. GARDNER of Massachusetts. Mr. Speaker, let us see where that line of reasoning leads us. If that is true, if a majority of the committee, when no quorum is present, can report a bill favorably, then the minority subsequently, under this petition arrangement, might go outside and get signatures of more than half the committee and report a bill adversely. Did the committee report this bill when there was not a quorum present? That is the true question. If we admit this report by petition system, which would be the true report of that committee under the circumstances which I suggest? Would it be the favorable report voted by the majority when there was not a quorum present or would it be the adverse report signed by a majority of the whole committee? Mr. Speaker, the position adopted by both the gentlemen from Alabama is untenable.

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

Mr. GARDNER of Massachusetts. Yes; but I would like to develop this point.

Mr. JAMES. Even when a quorum is present could not the minority present, helping to make a quorum, go out and get sufficient signatures to make a majority of the committee?

Mr. GARDNER of Massachusetts. That is the point I make; the minority might go out and get those signatures and then the ridiculous proposition would be presented to the House of a majority reporting one way and another majority of the same committee reporting the opposite way.

Mr. JAMES. I think the gentleman does not get my point. The point is this, that the minority can do the very thing when a quorum is present that the gentleman says they can do when a quorum is not present; that is, get a sufficient number to have a majority of the committee.

Mr. GARDNER of Massachusetts. That is a fact. That is why any report is inadmissible unless adopted by a committee acting as a committee, not as a number of individuals. We must not take anything except the record of the committee, and this record we have the right to challenge. It is a matter of the highest privilege of this House to demand an answer to the question as to whether or not a quorum was present in the committee when this bill was considered. This House refers to a committee of its members a bill. It orders the committee to consider that bill. When that bill is reported back by that committee the House has a right to say, "Gentlemen, did you have a quorum of your committee present when you acted on that bill?" The House has rights in the matter. It has a right to determine whether a quorum of that committee was present and whether it in fact obeyed the order of the House. Mr. Speaker, if that were not so the House would be at the mercy of its own committee, perhaps of the chairman alone, sometimes.

A committee meeting might be called with only three or four members present. All might be on the same side of some question. The point of no quorum might not be raised in such a meeting; yet it would be preposterous to say that a report emanating from such a meeting in any sense carried out the orders of the House.

A committee's powers are delegated to it by the House. Surely the House is entitled to know whether a bill has been reported by a committee or only by individuals. I have no doubt whatever that a demand for the minutes of a committee presents a question of the highest privilege. The mere fact that a few individuals refrain from investigating the question of a quorum's presence in committee can not estop the House from exercising its power to investigate that question.

Mr. MANN. Mr. Speaker, I understand that no one has stated that the Committee on Interstate and Foreign Commerce had a meeting and that, without a quorum, authorized the gentleman from Alabama to call up the bill.

Mr. HEFLIN. They did have a meeting.

Mr. MANN. The gentleman did not say that, and I think he will not say it.

Mr. HEFLIN. I said it at the very outset.

Mr. MANN. He said he had a paper which authorized him to call up the bill, but not that there was a meeting.

The SPEAKER. What the gentleman from Alabama said was this: That there was a meeting of the committee. He did not say anything about whether there was a majority there or not.

Mr. HEFLIN. I did not say there was not a quorum.

Mr. MANN. I beg the gentleman's pardon.

The SPEAKER. And he said that he went around and got the gentlemen to sign.

Mr. HEFLIN. I stated that those who were present did give me authority.

Mr. MANN. That was not the gentleman's statement. I undertake to say that the records of the committee will not show that, with or without a quorum, the committee gave the gentleman authority to call up the bill. Now, what is the situation? The gentleman presents a paper signed by a majority of the committee, as I understand. How many did sign the paper?

The SPEAKER. Eleven. There are 21 members of the committee.

Mr. MANN. Authorized him to make this motion. There is no question as to what has always been the practice of the House. The practice of this House and its committees ever

since I have been here has been that a committee must act as a committee, and that a committee in order to act must have a quorum present, and that the chairman could not permit the committee to take action without a quorum present.

Mr. SISSON. Will the gentleman permit an interruption?

Mr. MANN. Yes.

Mr. SISSON. The gentleman was for quite a number of years chairman of this committee. Does the chairman of the Committee on Interstate and Foreign Commerce keep minutes of the meetings?

Mr. MANN. The committee undoubtedly keeps minutes, and they also show those who were present.

Mr. SISSON. Now, in order to settle this question, the minutes of that committee would show conclusively whether they ever had a meeting or not?

Mr. MANN. There is no claim that the committee had a meeting at which a quorum was present, and, as I understand, no claim that the committee took any action. The statement of the gentleman from Alabama is that there was a committee meeting called and that the members who did appear determined they were in favor of the motion and indicated to the gentleman they would sign the paper and the gentleman might have other members sign. But the gentlemen who met there did not take any action as a committee. Even if they had, the action would have been void. There is no question as to what the practice has been. There is no question that Jefferson's Manual must be an authority, and that manual is made a part of the rules of the House. Nothing can be the report of the committee but what has been agreed to in the committee actually assembled. Now, Mr. Speaker, let us see what would be the effect if it were admitted that presenting a paper signed by a majority of the committee was the action of the committee. This committee has 21 members, 11 constituting a quorum. If 11 members of that committee meet, 6 of them can make any report that they please. Six of them being a majority of the quorum, and 11 being present, 6 out of 21 can order any bill reported. That is the report of the committee. But supposing 1 of the 5 who were defeated goes out with a paper and gets the 5 minority members to sign the paper and the 10 members of the committee who were not there to sign the paper, and present it to the House, and the paper signed by 15 or 20 members of the committee present to the House a paper signed by 15 of the 21 members of the committee, which is the action of the committee? It admits of no controversy. The action of the committee is the action of the committee assembled and not all the individual members scattered about town.

The SPEAKER. The Chair would like very much, if he exercised his own desires in the premises, to rule in favor of——

Mr. HEFLIN. Mr. Speaker, if the Chair is not going to rule with me I would like to be heard again on the point of order.

The SPEAKER. The Chair is not inclined to rule with the gentleman.

Mr. HEFLIN. Mr. Speaker, on Saturday night, when this bill was called up by me, I undertook to take it from the Speaker's table and consider it, and the gentleman from Illinois [Mr. MANN] cited an authority to the effect that we had to have written authority from the committee. The Speaker held that Speaker Reed said that was correct—that written authority was required; that was, to take the bill from the Speaker's table, as I understood it.

My bill, which is identical with the Senate bill, has been unanimously reported by the Committee on Interstate and Foreign Commerce. The Senate bill came to the House, having been passed by the Senate almost unanimously. That bill lies on the Speaker's table.

It is not to be considered by the Committee on Interstate and Foreign Commerce. There was no action to be taken on this bill by this House committee except to give me authority; and I hold, if the Speaker pleases, that if the members of that committee agree that I ought to be allowed to call up the bill and have it considered, whether they were in committee or not, they had the right to give me that authority by signing their names to that document. No harm can come from it, and no injustice is done to anybody.

Gentlemen ought to be willing to let me try this bill out on its merits on the floor. I repeat it is legislation sought for my district. The whole delegation from my State joins in asking for its passage. I hold, Mr. Speaker, that if the point has not been decided point-blank against my contention the Speaker ought to rule so as to prevent any injustice being done and give this bill of mine a fair chance in the House. Two or three gentlemen from other States, thousands of miles removed from my district and State, are undertaking to legislate for me and my people. I would like to consider this bill now. I want to discuss some matters that I think would be of interest to the House and the country. The farmers of the United States pay every year $14,000,000 to Chile for nitrate of soda. The ammonium sulphate in the United States is in the hands of the Steel Trust and costs the farmers every year $3,500,000. I would like to discuss some of the reasons why certain great interests do not want any nitrate plants built up in the South. I would like to have an opportunity to present it in the name of the farmers of the United States, who want cheaper fertilizers. Some of the reasons why you should permit this company to build a dam across the Coosa River are that they will make this river navigable there and establish a large nitrate plant there, which will be a blessing to the people of the South and the people of the United States; and I would not permit these gentlemen, on a mere technicality, to prevent any Member of this House from bringing up a meritorious bill, a bill that pertains to the interests of his people. [Applause.]

Mr. CLAYTON. Mr. Speaker, I think the gentlemen from Illinois are in error as to the precise question before the Chair. This is not a question of a report coming from the Committee on Interstate and Foreign Commerce. The argument made by my friend from Illinois [Mr. FOSTER] and by my other friend from Illinois [Mr. MANN] would be, perhaps, well taken if it were a report of the committee as we ordinarily understand what a report is. But this is an authorization, or, to be more accurate, a consent on the part of the committee to take from the Speaker's table a bill which had already been considered in that committee and which had been considered in the other body.

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

Mr. CLAYTON. Certainly.

Mr. MANN. The gentleman does not pretend that the committee ever considered the bill itself?

Mr. CLAYTON. I did not catch the gentleman's question.

Mr. MANN. I say, the gentleman does not claim that the committee ever considered the bill itself?

Mr. CLAYTON. It considered a similar bill on this precise subject, framed, I am informed, in the exact terms of this bill.

Mr. MANN. But not this particular bill?

Mr. CLAYTON. Of course not. It was, however, in the exact words, as I understand, of the other bill. The one bill was acted on in the Senate and the other one here, and it is my information that the two bills, in exactly the same phraseology, were introduced simultaneously, one in the Senate and one in the House, and that when the Senate bill passed the Senate favorably it came to the House and is now on the Speaker's table.

Now, the situation is this: There is a House bill of the same nature on the calendar, and following the same practice of considering the Senate bill on the same subject, the Committee on Interstate and Foreign Commerce authorized my colleague from Alabama [Mr. HEFLIN]—that is, the members of the committee authorized him—to call that bill up. It is not a report of the committee, and the rule that the gentleman from Illinois has referred to reads in this way:

> A committee meet when and where they please if the House has not ordered time and place for them; but they can only act when together and not by separate consultation and consent, nothing being the report of the committee but what has been agreed to in committee actually assembled. (Jefferson's Manual.)

This does not pretend to be a report of the committee. It is at most a mere authorization for my colleague from Alabama [Mr. HEFLIN] to call up and have the House consider and act upon the Senate bill in lieu of the House bill, which has been previously reported favorably by that committee and is now on the calendar.

The gentleman from Massachusetts [Mr. GARDNER] brings up a hypothetical case that has nothing to do with this. The gentleman from Massachusetts [Mr. GARDNER] is too good a lawyer to try a concrete question of law upon a hypothetical case. There are cases and cases. For myself I sometimes almost lose patience with the man who talks about cases on all fours. There is hardly ever a case on all fours with another. It is the eternal principle that underlies the case that ought to be decisive of the case. The case that gentleman talks about, of the committee having a meeting and three voting one way and five the other, the eight not constituting a quorum, is not the case here. Let us come back to the particular case before the Speaker now for consideration.

The House has favorably reported a bill on the same subject, in precisely the same terms as this Senate bill, and that bill is now on the calendar. The Senate bill comes over here and is on the Speaker's table. My colleague from Alabama [Mr. HEFLIN] had called it up from the Speaker's table in lieu of the House bill which has been favorably reported by the committee.

Mr. Speaker, sometimes we think that parliamentary rules are not always based upon common sense and upon reason; but the reason for the rule that requires a committee to assemble and consider a matter has been met in this case. The reason is that the House must have the deliberate judgment of a committee in the consideration of a measure. Has not the House had the deliberate judgment of the committee? Has not the committee met and considered the matter and reported it to this House? The simple proposition is that my colleague is now authorized to call up and ask the consideration by the House of a measure which has had the favorable consideration of the Interstate and Foreign Commerce Committee in the ordinary and usual way. [Applause.]

Mr. MANN. Mr. Speaker, I call the attention of the gentleman from Alabama [Mr. CLAYTON] to the fact that the rules provide that bills shall be disposed of on motions directed to be made by such committee. If the rule read:

On motions directed to be made by a majority of the members of such committee—

the gentleman's contention would be accurate. The gentleman himself admits that a committee could only make a report by the action of the committee, not by the action of the individual members, and the rule says—

On motion directed to be made by the committee—

Not by the individual members.

Mr. RODDENBERY. Mr. Speaker——

The SPEAKER. The Chair is ready to rule, but if the gentleman from Georgia will be brief, the Chair will hear him.

Mr. RODDENBERY. Inasmuch as I desire to submit an observation in support of the contention of the gentleman from Alabama, and as the Chair has indicated a disposition to rule to the contrary, I should like to submit brief remarks.

The SPEAKER. All right.

Mr. RODDENBERY. Section 400 of the rules—Jefferson's Manual—is in the hands of the Chair.

Section 860, to which the gentleman from Illinois [Mr. MANN] has just made reference, in its concluding provision provides that a House bill with Senate amendments, and so forth, may "be disposed of in the same manner, on motion directed to be made by such committee."

Now, section 803, on page 396 of the Manual, to which the attention of the Chair has not been directed from the floor, reads:

And all bills, petitions, memorials, or resolutions reported from a committee shall be accompanied by reports in writing, which shall be printed.

A note to the section says:

But the sufficiency of a report is passed on by the House and not by the Speaker.

In Hinds' Precedents, volume 4, section 4653, will be found a ruling, and the entire decision is before the Chair, but I beg to call the attention of the Chair to this language:

The Speaker overruled the point of order on the ground that it was not the duty of the Chair to pass upon the question of the character of a report, that properly belonging to the House to decide. The rule had been complied with by the committee, which had submitted a report in writing, and beyond that the Chair was not called upon to rule.

Further citing from the rule:

All resolutions reported from a committee shall be accompanied by reports in writing.

Now, a direction in writing having been submitted to the House, on its face showing the authority of a quorum of the committee, and the general rules of the House not requiring that a majority report shall be signed in any event, presents a question, if raised, which the House should decide. From the rules and precedents the suggestion is made that where a majority of the committee do sign the report, and on the face of the report it appears that a majority of the committee has authorized an action, it is not for the Chair to decide, but a question for the House to determine whether or not the report complies with the rules and reflects the action of the committee.

Especially is this true where the Speaker of the House will take cognizance that the germane matter—the bill—involved in the directory report is on the calendar reported by unanimous action of the committee, a quorum being present. Therefore it may be maintained that the gentleman from Alabama, supported as he is by the written direction of a majority of the committee, complies in terms with the rule which says that he may call it up "on motion directed to be made by such committee." What authority must he have? "Motion directed to be made by such committee," and the gentleman from Alabama submits a written direction signed by the individual signatures of the chairman of the committee and a majority of its members.

Now, under the ruling by Speaker Carlisle, above cited, the question whether or not this motion is sufficiently supported by direction of the committee, and therefore whether or not the "character of a report" is properly before the House is a question for the House to determine. I submit further, Mr. Speaker, that this is one of the rare cases, if I may say so, in which the Chair could advisedly exercise his discretion by submitting the point of order to the House to decide whether the action of the committee is a substantial compliance with the rule.

Mr. COOPER. Mr. Speaker, the gentleman from Alabama [Mr. HEFLIN], with much earnestness, called upon the House not to interfere with the passage of this bill, which, he said, concerns only the people of his district and State. That statement of the gentleman from Alabama might have been true about such a bill in other days, but it is not true of this bill now. In the olden time dams were put across navigable streams principally in aid of navigation. And, if it were slack-water navigation, this sometimes was, in large measure, a local affair. But all this has been changed. Dams are not now built only as aids to navigation. And this bill proposing to dam a navigable river is not of interest exclusively to the people of the gentleman's district nor of his State, since we have begun to witness the sending of electric power from dams by wire 100 miles, 150 miles, 250 miles, 350 miles——

Mr. CLAYTON. Can not you make it 1,000 miles at once?

Mr. COOPER. I could if I were so regardless of the facts as the gentleman from Alabama appears to be.

Mr CLAYTON. I wanted to save the gentleman needless repetition.

Mr. COOPER. Viewed in the light of recent electrical developments, the building of a dam across the Coosa River for power purposes does not concern only the gentleman from Alabama and his constituents. As shown by an official report of the Commissioner of Corporations, great corporations have for several years been steadily picking up these hydroelectric power sites everywhere throughout the country, developing some and keeping others for the future, and by and by it will be possible, as was pointed out by the commissioner, for these corporations to effect a combination or trust vastly greater and more powerful and dangerous than any hitherto known in the history of the United States.

A corporation controlling the hydroelectric power of the United States could, in the not distant future, control the industries of the United States, if the prophecies of Edison, Marconi, and other great electricians shall prove true.

A few years ago, at Niagara Falls, a stockholder of one of the great electric-power companies said in my presence——

Mr. LINTHICUM. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LINTHICUM. Is the gentleman discussing the point of order?

Mr. CLAYTON. Oh, give him time and he will get there.

Mr. COOPER. If I do I will have better luck than the gentleman from Alabama usually does.

Mr. Speaker, after I had expressed my surprise at the magnitude of the plants, one on the Canadian and the other on the American side, this expert said that the development and use of electric power had practically only just begun; and that, speaking as a business man not given to letting his imagination run away with him, he had no doubt that improved methods of production, insulation, and transmission would so promote the universal use of electricity generated by water power, for heating, lighting, and power purposes, that in 25 years—certainly in 50—not one-tenth as much coal will be consumed in the United States as is now consumed here.

The SPEAKER. The Chair is ready to rule.

Mr. COOPER. Mr. Speaker, what I have said has been with a view to showing that the bill in question is not as the gentleman from Alabama has declared it to be, of merely local interest, but that, on the contrary, it touches upon a subject and a policy, each of which is of very great national importance.

Nothing less than a quorum of a committee in meeting assembled can properly be allowed to report a bill, and especially such a bill. It is admitted that no quorum of the Committee on Interstate and Foreign Commerce so assembled has ever considered this Senate bill or directed a report respecting it.

The SPEAKER. The case is this: The gentleman from Alabama [Mr. HEFLIN] asks to take from the Speaker's table Senate bill No. 7343 and to have it considered.

The gentleman from Illinois [Mr. FOSTER] raised the point of order that it can not be considered, because its consideration has not been authorized by the committee having jurisdiction thereof.

The gentleman from Alabama presents the following paper, which he argues is a sufficient authorization under the rule:

WASHINGTON, D. C., *August 19, 1912.*

We, the undersigned members of the Committee on Interstate and Foreign Commerce, do hereby authorize the Hon. J. T. HEFLIN to call

up or move to take from the Speaker's desk for immediate consideration Senate bill 7343.

W. C. Adamson; Wm. Richardson (telegram to chairman); J. Harry Covington; Michael E. Driscoll; T. W. Sims; J. H. Goeke; W. R. Smith; John A. Martin; E. L. Hamilton; Frank E. Doremus; W. A. Cullop.

There are 21 members of the Interstate and Foreign Commerce Committee. Eleven of them—a majority, therefore a sufficient number to constitute a quorum—signed this paper, as individual members but not as a committee, as it is not claimed that these 11 ever met as a committee to give the necessary authorization. That is the case as presented.

If the Chair exercised his own personal feelings about this matter, he would rule in favor of the gentleman from Alabama [Mr. HEFLIN], but the Chair's personal feelings have nothing to do with it. The business of the Speaker is to rule in such a way as to preserve the integrity of the proceedings of the House. The last part of subdivision of Rule 24 runs as follows:

But House bills with Senate amendments which do not require consideration in a Committee of the Whole may be at once disposed of as the House may determine, as may also Senate bills substantially the same as House bills also favorably reported by a committee of the House, and not required to be considered in Committee of the Whole, be disposed of in the same manner on motion directed to be made by such committee.

What is a committee? It has been held, and the present occupant of the Chair has now held two or three times, backed by ample authorities, that the House consists of a quorum of the Members elected and qualified, excepting those who have died or resigned or who have been expelled from the House. What is a committee? A committee consist of a quorum of the membership of that committee, in this case 11 Members, meeting together as a committee. Mr. Speaker CANNON ruled on a question not exactly parallel to this but very near it.

Jefferson's Manual in section 26 provides:

A committee meet when and where they please, if the House has not ordered time and place for them (6 Grey, 370); but they can only act when together, and not by separate consultation and consent—nothing being the report of the committee but what has been agreed to in committee actually assembled.

That means a quorum of the committee. The Chair has read from section 4583 of Hinds' Precedents, volume 4. Section 4584, which in the syllabus says:

Committees can only agree to a report acting together.

Then Mr. HINDS goes on to say:

4584. Committees can only agree to a report acting together.—On January 9, 1905, Mr. JOHN S. WILLIAMS, of Mississippi, asked unanimous consent for the present consideration of House Resolution No. 415, relating to the statistics of the ginning of cotton, and the following paper was presented, Mr. WILLIAMS speaking of it as "a unanimous report" from the Committee on the Census:

COMMITTEE ON THE CENSUS, *January 9, 1905.*

We, the undersigned members of the Committee on the Census, agree to a favorable report on House resolution No. 415, and further agree that its author, Mr. WILLIAMS, of Mississippi, may call up same when the opportunity presents itself.

E. D. CRUMPACKER, *Chairman.*
JAMES KENNEDY.
F. M. GRIFFITH.
G. B. PATTERSON.
A. S. BURLESON.
JOE T. ROBINSON.
JAMES HAY.

Mr. Speaker CANNON said:

The Chair understands that, in point of fact, the formal report has not been made from the Committee on the Census, although there is a paper on the Clerk's desk signed by a majority of the members of that committee.

To make a ruling that would cover one bill and let this one in would not do very much harm, but to rule that this kind of a paper may take the place of a report or authorization from a committee at an authorized meeting—because the Speaker does not rule in one case only, for the rule is made for all similar cases—would open the doors so wide to a proceeding not authorized by the House that the Chair must hold, in order to preserve the integrity of the proceedings of the House, that the point of order made by the gentleman from Illinois [Mr. FOSTER] against this paper which the gentleman from Alabama [Mr. HEFLIN] presents, is well taken. A proper authorization to call up a Senate bill under the rule cited can be given only by a committee, as herein defined. To decide the other way would be practically to do away with committee meetings.

LOAN OF TENTS TO CONFEDERATE VETERANS' REUNION.

Mr. CARTER. Mr. Speaker, I ask unanimous consent to call up House joint resolution 349.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Joint resolution (H. J. Res. 349) authorizing the Secretary of War to loan certain tents for the use of the Confederate Veterans' Reunion, to be held at Ada, Okla., in September, 1912.

Resolved, etc., That the Secretary of War be, and he is hereby, authorized to loan, at his discretion, to the executive committee of the Confederate Veterans' Reunion, to be held at Ala, Okla., in the month of September, 1912, such tents, with necessary poles, ridges, and pins, as may be required at said reunion: *Provided*, That no expense shall be caused the United States Government by the delivery and return of said property, the same to be delivered to said committee designated at such time prior to the holding of said reunion as may be agreed upon by the Secretary of War and the general chairman of said executive committee: *And provided further*, That the Secretary of War shall, before delivering such property, take from said general chairman of the executive committee a good and sufficient bond for the safe return of said property in good order and condition, and the whole without expense to the United States.

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

Mr. MANN. Reserving the right to object, I did not hear it.

The SPEAKER. The Clerk will report it over again, and the House will be in order.

The joint resolution was again reported.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the committee amendment.

The Clerk read as follows:

Page 2, lines 5 and 6, amend by striking out the following words: "from said general chairman of the executive committee."

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

Mr. CARTER. Mr. Speaker, I offer another amendment. After the word "such," in line 7, page 1, insert "cots and."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 7, after the word "such," insert the words "cots and."

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

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

On motion of Mr. CARTER, a motion to reconsider the vote by which the joint resolution 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 agreed to the amendments of the House of Representatives to bills of the following titles:

S. 7315. An act to authorize the construction of a bridge across the Clearwater River at any point within the corporate limits of the city of Lewiston, Idaho;

S. 7209. An act to authorize the construction of a bridge across the Mississippi River at the town site of Sartell, Minn.;

S. 4301. An act authorizing the Secretary of War to lease to the Chicago, Milwaukee & Puget Sound Railway Co. a tract of land in the Fort Keogh Military Reservation, in the State of Montana, and for a right of way thereto for the removal of gravel and ballast material; and

S. 5458. An act to extend the time for the completion of a bridge across the Delaware River south of Trenton, N. J., by the Pennsylvania Railroad Co. and the Pennsylvania & Newark Railroad Co. or their successors.

The message also announced that the Senate had passed without amendment the following House concurrent resolution:

House concurrent resolution 62.

Resolved by the House of Representatives (the Senate concurring), That the Enrolling Clerk of the House, in the enrollment of the bill (H. R. 38) entitled "An act to create a legislative assembly in the Territory of Alaska, to confer legislative power thereon, and for other purposes," be directed to regard the matter furnished in the conference report to be inserted in lieu of amendments numbered 7 to 15, inclusive, as following the word "years," on page 3, line 18; and that the matter proposed to be stricken from amendment numbered 68, as set forth in said conference report, be designated, "all after the word 'thereof,' in line 21 of the proposed amendment, down to and including 'and' in line 24."

The message also announced that the Senate had passed without amendment the following concurrent resolution:

House concurrent resolution 58.

Resolved by the House of Representatives (the Senate concurring), That Herman Walthauser, of Boston, Mass., be, and hereby is, authorized to make a cast from the head of the statue of John Hancock, now located in the Senate wing of the Capitol.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 11877. An act to amend section 8 of the food and drugs act, approved June 30, 1906;

H. R. 26099. An act authorizing the towns of Ball Bluff, Libby, and Cornish, in the county of Aitkin, to construct a bridge across the Mississippi River in Aitkin County, Minn.;

H. R. 26236. An act conferring upon the Lawton Railway & Lighting Co. the privileges, rights, and conditions heretofore granted the Lawton & Fort Sill Electric Co. to construct a railroad across certain lands in Comanche County, Okla.; and

H. R. 26235. An act to authorize the city of Chicago to construct a bridge across the Little Calumet River at Indiana Avenue, in said city.

INDIAN APPROPRIATION BILL.

Mr. STEPHENS of Texas. Mr. Speaker, I desire to call up the conference report on the bill H. R. 20728, the Indian appropriation bill, and move that the House further insist on its

disagreement to the amendments of the Senate and ask for a further conference.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 20728) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1913.

Mr. STEPHENS of Texas. Mr. Speaker, the motion I make is that the House further insist upon its disagreement to the amendments of the Senate and ask for a further conference.

The SPEAKER. The gentleman from Texas moves that the House further insist on its disagreement to the Senate amendments and ask for a conference.

Mr. MANN. Mr. Speaker, I desire a separate vote on several of the propositions.

Mr. STEPHENS of Texas. What time does the gentleman require on the various amendments and to what amendments does he desire to object?

Mr. MANN. I shall not ask for a separate vote upon those same amendments on which we had a separate vote before, but there are some other amendments where I think we will require a separate vote.

Mr. STEPHENS of Texas. Will the gentleman give the numbers?

Mr. MANN. Amendments Nos. 105, 110, 111, 112, 114, and 117.

Mr. STEPHENS of Texas. What time does the gentleman wish? I desire to hold the floor.

Mr. MANN. I do not know how much time will be required on each amendment. It depends somewhat upon how much time we can afford to use in the House. I am always willing to cut the garment according to the cloth.

Mr. STEPHENS of Texas. Then will the gentleman state his objection to amendment No. 105?

Mr. MANN. I will state my objection to these amendments if I have the opportunity.

Mr. STEPHENS of Texas. I yield to the gentleman such time as he may desire—that is, reasonable time.

Mr. MANN. How much time does the gentleman from New York desire?

Mr. FITZGERALD. I think about 15 minutes between us.

The SPEAKER. What is it that any gentleman wants to do with this conference report?

Mr. BURKE of South Dakota. Mr. Speaker, I desire to submit a motion to recede and concur on an amendment which I will propose to amendment No. 99. I do not know what the other gentlemen desire.

The SPEAKER. The gentleman from South Dakota moves to recede and concur with an amendment to amendment No. 99. The gentleman will send up his amendment.

Mr. STEPHENS of Texas. Is that amendment in reference to district agents in Oklahoma?

Mr. BURKE of South Dakota. It is. The amendment, Mr. Speaker, I desire to submit first is to strike out, in line 21, on page 39, after the word "dollars," everything down to and including the word "year," in line 12, page 40, and insert the proviso that I have sent to the Clerk's desk.

The SPEAKER. The Clerk will report the amendment.

Mr. BURKE of South Dakota. I would like the amendment to be now read with the amendment as suggested.

The SPEAKER. The Clerk will first read the amendment as it is and then read it as it will be as amended.

The Clerk read as follows:

For salaries and expenses of district agents for the Five Civilized Tribes of Oklahoma and other employees connected with the work of such agents, $100,000: *Provided*, That during the fiscal year ending June 30, 1913, no moneys shall be expended from the tribal funds belonging to the Five Civilized Tribes except for the equalization of allotments, per capita or other payments authorized by law to individual members of the respective tribes, and for schools for the current year, and the salaries and contingent expenses of the governors, chiefs, assistant chiefs, secretaries, interpreters, and mining trustees of the Chickasaw and Choctaw Tribes for the current year, and attorneys of said tribes employed under contract approved by the President, without specific appropriations by Congress, except as hereinafter provided: *Provided further*, That the Secretary of the Interior is hereby authorized to continue the tribal schools of the Choctaw and Chickasaw Nations, and to use funds arising from royalties on coal and asphalt for their maintenance for the current year.

The SPEAKER. The Clerk will read the proviso offered by the gentleman from South Dakota [Mr. BURKE].

The Clerk read as follows:

Provided, That during the fiscal year ending June 30, 1913, no moneys shall be expended from the tribal funds belonging to the Five Civilized Tribes without specific appropriation by Congress, except as follows: Equalization of allotments, per capita and other payments authorized by law to individual members of the respective tribes, tribal and other Indian schools for the current fiscal year under existing law, salaries and contingent expenses of governors, chiefs, assistant chiefs, secretaries, interpreters, and mining trustees of the tribes for the current fiscal year, and attorneys for said tribes employed under contract approved by the President, under existing law, for the current fiscal year: *Provided further*, That the Secretary of the Interior is hereby authorized to continue the tribal schools of the Choctaw and Chickasaw Nations for the current fiscal year.

Mr. BURKE of South Dakota. Now, Mr. Speaker, I would like to arrange with the gentleman for a little time in which to debate this amendment.

Mr. STEPHENS of Texas. I think this ought to be confined to 30 minutes. It was thoroughly discussed when the bill passed the House.

Mr. BURKE of South Dakota. Well, this is a very important item.

Mr. STEPHENS of Texas. It is in regard to the 16 special agents in Oklahoma.

Mr. BURKE of South Dakota. I will say to the gentleman that this is a Senate amendment restoring the provision for the district agents, and the proviso is what was agreed upon in conference as to that portion of the Senate amendment.

Mr. STEPHENS of Texas. But the confereees struck out the 16 special agents.

Mr. BURKE of South Dakota. They struck out the appropriation for the district agents, but this is exactly as the House and Senate conferees agreed to it, with the exception of restoring the district agents.

Mr. STEPHENS of Texas. The only point in controversy is whether we shall have the agents or whether they shall be abolished?

Mr. BURKE of South Dakota. Yes.

Mr. STEPHENS of Texas. Does not the gentleman think that 30 minutes will be sufficient time?

Mr. BURKE of South Dakota. I would like to use 15 minutes, and the gentleman from Kansas [Mr. CAMPBELL] would like the same length of time.

Mr. UNDERWOOD. As I hope we may adjourn by the end of the week, I trust the gentleman will not push the arguments to a point where we are going to have a long night session.

Mr. MANN. I think it ought to be understood that this bill should be disposed of to-day and go back to conference.

Mr. STEPHENS of Texas. It is insisted, Mr. Speaker, that we should get through with this bill to-day.

Mr. BURKE of South Dakota. I am as anxious as any gentleman to get through with the bill, and, in fact, this is the only amendment I care to discuss.

The SPEAKER. The gentleman from Illinois has given notice that he wants to make some motion with reference to these amendments.

Mr. MANN. That needs a separate vote, Mr. Speaker.

Mr. STEPHENS of Texas. Does the gentleman require time to discuss each one of those separately?

Mr. MANN. I do not desire time on each one of them, but to refer to all of them.

Mr. STEPHENS of Texas. How much time?

Mr. MANN. I do not know, but there are several gentlemen who want it.

Mr. FITZGERALD. I want a little time on one item.

Mr. BURKE of South Dakota. I desire 30 minutes.

Mr. FERRIS. I think it fair to say that we spent about two days on this same identical amendment when the bill was up in its original form, and at that time the opposition was so large that it is overwhelming to refer to it. Now, this is what happened: The House conferees reinstated the position of the House that was then fortified by an overwhelming vote. All that is to be done on this occasion is to further insist on a disagreement. Now, the gentleman from South Dakota [Mr. BURKE] comes in with a motion to recede, and thrash over that old straw that we worked on when the bill was up. The House conferees already maintain the position of the House. It ought not to be contested at all.

Mr. STEPHENS of Texas. I will agree upon 20 minutes on a side.

Mr. BURKE of South Dakota. Why, Mr. Speaker, I do not desire to take up all the time, and I am willing to agree to 20 minutes on a side. This is a matter I consider so important that every time I have an opportunity I want to go on record concerning it.

The SPEAKER. The agreement is, then, for 20 minutes on a side—20 minutes to be disposed of by the gentleman from Texas [Mr. STEPHENS] and 20 minutes by the gentleman from South Dakota [Mr. BURKE].

Mr. MILLER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MILLER. Does that refer solely to amendment No. 99?

The SPEAKER. Yes.

Mr. FERRIS. Mr. Speaker, let me inquire if at the same time we can not get an agreement as to the other amendments. This discussion may last a week at this rate.

Mr. MANN. I do not think it will take very long.

Mr. FERRIS. I think it will.

Mr. MANN. When this is disposed of, I am perfectly willing to reach an agreement.

The SPEAKER. The gentleman from Texas [Mr. STEPHENS] is recognized for 20 minutes.

Mr. STEPHENS of Texas. Mr. Speaker, I ask that the gentleman from South Dakota [Mr. BURKE] lead off in the discussion.

The SPEAKER. The gentleman from South Dakota [Mr. BURKE] is recognized for 20 minutes.

Mr. BURKE of South Dakota. Mr. Speaker, in the time allotted to me I can only very briefly discuss the motion to recede and concur which I have made on this amendment. The House will remember that when the bill was considered some weeks ago I offered an amendment proposing to restore the item in the bill for the district agents in Oklahoma that had been left out by the committee in reporting the bill.

The conference committee have reached an agreement in which I did not concur, eliminating the Senate amendment.

I want to cite the law which provides for the appointment of district agents in connection with the administration of the affairs in the Five Civilized Tribes, and I am not going to discuss—because I have not the time—the question generally of the affairs of these tribes, the amount of money that is expended annually, and the amount of money that is collected. I do, however, want to mention one point that did not come out in the discussion when this matter was considered in the House before. Under the law originally, in the matter of administration of Indian estates, it was provided that it should be under the jurisdiction and direction of the Secretary of the Interior, and the gentlemen from Oklahoma who were then representing that State upon this floor, diligent as they usually are in looking out for legislation that affects the interests of their constituents, secured legislation providing that thereafter the jurisdiction of administration of Indian minor estates should be in the county courts or probate courts of the State of Oklahoma.

This law enacted at that time provided directly and specifically for the appointment of district agents, and I want to read the law, being a provision of the act known as the restriction act, approved May 27, 1908:

SEC. 6. That the persons and property of minor allottees of the Five Civilized Tribes shall, except as otherwise specifically provided by law, be subject to the jurisdiction of the probate courts of the State of Oklahoma. The Secretary of the Interior is hereby empowered, under rules and regulations to be prescribed by him, to appoint such local representatives within the State of Oklahoma who shall be citizens of that State or now domiciled therein as he may deem necessary to inquire into and investigate the conduct of guardians or curators having in charge the estates of such minors, and whenever such representative or representatives of the Secretary of the Interior shall be of opinion that the estate of any minor is not being properly cared for by the guardian or curator, or that the same is in any manner being dissipated or wasted or being permitted to deteriorate in value by reason of the negligence or carelessness or incompetency of the guardian or curator, said representative or representatives of the Secretary of the Interior shall have power and it shall be their duty to report said matter in full to the proper probate court and take the necessary steps to have such matter fully investigated, and go to the further extent of prosecuting any necessary remedy, either civil or criminal, or both, to preserve the property and protect the interests of said minor allottees; and it shall be the further duty of such representative or representatives to make full and complete reports to the Secretary of the Interior. All such reports, either to the Secretary of the Interior or to the proper probate court, shall become public records and subject to the inspection and examination of the public, and the necessary court fees shall be allowed against the estates of said minors. The probate courts may, in their discretion, appoint any such representative of the Secretary of the Interior as guardian or curator for such minors, without fee or charge.

And said representatives of the Secretary of the Interior are further authorized, and it is made their duty, to counsel and advise all allottees, adult or minor, having restricted lands of all of their legal rights with reference to their restricted lands, without charge, and to advise them in the preparation of all leases authorized by law to be made, and at the request of any allottee having restricted land he shall, without charge, except the necessary court and recording fees and expenses, if any, in the name of the allottee, take such steps as may be necessary, including the bringing of any suit or suits and the prosecution and appeal thereof, to cancel and annul any deed, conveyance, mortgage, lease, contract to sell, power of attorney, or any other encumbrance of any kind or character, made or attempted to be made or executed in violation of this act or any other act of Congress, and to take all steps necessary to assist said allottees in acquiring and retaining possession of their restricted lands.

Supplemental to the funds appropriated and available for expenses connected with the affairs of the Five Civilized Tribes, there is hereby appropriated, for the salaries and expenses arising under this section, out of any funds in the Treasury not otherwise appropriated, the sum of $90,000, to be available immediately, and until July 1, 1909, for expenditure under the direction of the Secretary of the Interior: *Provided*, That no restricted lands of living minors shall be sold or encumbered, except by leases authorized by law, by order of the court or otherwise.

That act, Mr. Speaker, authorized the appointment of district agents or local representatives of the Secretary of the Interior, and following its enactment, district agents were appointed and an appropriation of $100,000 has been made annually to pay their salaries and the expenses of their offices. Their principal occupation is to look out and see that the Indians, minors particularly, are not wronged or deprived of property that justly belongs to them; there has been, by reason of their activity, a constant demand from that portion of Oklahoma where Indian lands are located by persons dealing with the Indians to drive them from the State. It is not costing the Indian a dollar to maintain them. The United States Government has made the appropriation annually for the payment of the salaries and expenses of these agents, so that it can not be said that the purpose of discontinuing them is to save money to the tribes.

I want to call attention, Mr. Speaker, to the fact that in this bill there is an item of $300,000 for the common schools in the Five Civilized Tribes, which is really a gratuity to the State of Oklahoma, and other large sums are carried in the bill to be expended in that State about which there is no complaint from the gentlemen who are insisting upon eliminating the appropriation for the district agents on the grounds of economy. I want to emphasize that the Senate amendment, which I hope will be concurred in, will not take a cent of the moneys of the tribes.

Just a word with regard to the expense of administration of the Five Tribes, because I anticipate it will be discussed by the other side. The records show that for the year ending June 30, 1911, the cost of administering the affairs of approximately 36,900 restricted Indians of the Five Tribes under supervision of the Government and paid by Federal appropriation was $7.29 per capita, while similar expenses for other Indians in Oklahoma is about $17.90, to which no objection has been made or exception taken.

The distinguished gentleman from Oklahoma, Mr. FERRIS, and also, I anticipate, the other two gentlemen from that State, Mr. CARTER and Mr. DAVENPORT, will probably have much to say about the large amount of money that is expended for administration purposes in the Five Civilized Tribes, but I challenge them to show that the per capita expense at other agencies in Oklahoma is less than I have stated or that the per capita cost of the Five Tribes is more than I have stated.

Mr. Speaker, I am going to ask leave to extend my remarks, and I want to incorporate in the RECORD numerous protests and telegrams that have been received since it has become known that the district agents in Oklahoma are likely to be discontinued. I will not have time to read them, but briefly I want to quote from some of them. Among others is a letter from the Secretary of the Interior, dated August 10, 1912; also one dated August 12, 1912, wherein, among other things, he calls attention to the fact that the 5 principal chiefs and tribal attorneys, 40 county judges, 22 other State officers, and 715 prominent citizens, including bankers, lawyers, merchants, and farmers in Oklahoma, express an appreciation of the favorable cooperation, and so forth, of these district agents and protest against their discontinuance.

This question has become a national one, and protests are coming in from all over the country from persons and organizations interested in the general welfare and protection of Indians.

Mr. McCALL. The interest in the matter is very wide.

Mr. BURKE of South Dakota. It certainly is. I want to say that in the last fiscal year it is shown by the records that over $500,000 was saved to Indian minors alone by these district agents, and no one will dispute it.

I have a telegram from the union agent at Muskogee, Okla., Mr. Kelsey, going much into details as to what has been accomplished during the last year. I have one from the Keetoowah Society, in Oklahoma, which comprises several thousand full-blood Cherokee Indians; also other telegrams which I shall print as a part of my remarks.

When the inherited-land bill was pending in the House a few weeks ago the gentleman from Oklahoma [Mr. CARTER] made a very strong statement, emphasizing what he stated previously on a former occasion when he discussed the district agents and referred to what he claimed the State board of charities and correction is doing to protect the Indians. Here is what he said:

Mr. Speaker, I want to repeat what I said some time ago in the discussion on the Indian appropriation bill. We have in Oklahoma what we call a State board of charities and corrections. In that board there has been organized a special bureau for the specific purpose of looking after this very character of case—minor children's allotments and inherited estates. That department is very ably presided over by a young lady named Miss Katie Barnard, and her assistant in charge of this specific is Dr. J. H. Stolper, and the grafter who gets anything past the vigilant eye of these two guardsmen will have to show something better than they have ever yet conjured up.

Mr. Speaker, that statement was transmitted by the Secretary of the Interior to this board of charities and corrections that he referred to, and I have the letter in reply of the chief

officer of that board, and notwithstanding the very brief time I have I want to read it:

STATE OF OKLAHOMA,
DEPARTMENT OF CHARITIES AND CORRECTIONS,
Oklahoma City, July 23, 1912.

Hon. WALTER L. FISHER,
Secretary Department of the Interior, Washington, D. C.

DEAR SIR: Your letter of June 19 addressed to Miss Kate Barnard, commissioner of charities and corrections, has been duly received. Miss Barnard has been out of the State for many months, as she is in very bad health, and I happened to be out of the State when your letter came and have just returned.

In regard to the powers and duties of the State commissioner of charities and corrections, I beg leave to say that under our law it is the duty of Miss Barnard to appear as next friend for every minor orphan in the State when it appears to her that the estate is being mismanaged or dishonestly handled. Armed with this authority Miss Barnard has intervened in behalf of approximately 3,000 orphans, nearly all of them Indian children whose estates were being exploited or disposed of by incompetent or grafting guardians. We have had many guardians removed, and we have saved for these children since this law became operative something like $100,000 in money and prevented the sale or return of something like 115,000 acres of land. In a large number of cases we have proceeded by what might be termed arbitration proceedings. In the case of the McCurtain County lands we challenged every transaction made through the county court, and by this means several large holders of land, such as mill corporations, etc., have agreed to abide by the findings of an arbitration board. We have several arbitrations involving two or three thousand titles pending. One arbitration has been completed. In this case the Interior Department named Hon. Dana H. Kelsey, this department named Dr. J. H. Stolper, and the party who had profited by many grafting transactions named Judge Thomas C. Humphrey, ex-Federal judge. The result of this arbitration was that $32,000 in cash was returned to the Indians and a number of parcels of land was reconveyed to the original allottees. By terms of the agreement we practically gave a clearance to all titles that we did not find enmeshed with graft and wrongdoing.

Because this department is only given the services of one lawyer we have had our hands full, and in fact our legal department has been swamped. Naturally we have only been able to operate in the several counties where the worst cases of graft were known to exist. I am confident that we could clear up the situation thoroughly did we have enough legal force.

We have been invited to come down in several counties by county judges who do not seem to be able to compel wholesale guardians to report, and while we have not been able to cover the ground as thoroughly as we wish to, yet the number of petitions for the sale of Indian children's properties has been reduced almost to a minimum. People are afraid to buy these lands, because they fear that we will intervene and spoil the deal. Therefore our moral power has been really greater than our actual work has shown. We have taken a decided stand against guardians' fees, lawyers' fees, and court fees eating up the proceeds of the sale of children's lands. Of course this does not make us popular with the legal profession, because up to the time we began to operate under the new law it was the fashion for lawyers to appear in most trivial proceedings so that they could get a slice out of the proceeds of children's properties sold by order of probate courts.

Strange to say, that while nearly all of our efforts have been made in behalf of Indian minor children, we have never received the slightest help, and in many cases we have experienced the open antagonism of the tribal attorneys, who have not protected the children themselves, and who do not seem to want us to protect them. Of course there may be some politics in this, because this administration is Democratic, while, of course, nearly all of the tribal attorneys are of the opposite faith. However, at the time we asked for this law it seemed impossible for tribal attorneys or any other attorneys for the children to get any hearing in any of our county courts. It was called Federal interference and was resented by all of the courts, but so soon as we appeared on the scene an entire change was made, and while we had several uphill fights at the start most of the county judges now cooperate with us gladly, and, as I stated above, the moral effect has been that the majority of petitions for sale of minor children's properties are very carefully considered and oftentimes refused.

You will find our law in the revised statutes of Oklahoma, a copy of which will surely be in your law library.

Yours, truly,
H. HUSON.

It will be observed that he states that the board has not sufficient force, and therefore they have not the facilities necessary to protect the Indians. I think I have already stated that the district agents last year saved to minor children alone $500,000, and I do not think any gentleman on that side of the House will dispute the statement.

In the other body on Saturday last the RECORD was filled with a detailed statement by a distinguished Senator, setting forth wherein there had been abuses and frauds and forgeries and impositions upon these two poor, helpless people, showing conclusively that they can not have too much protection.

The Five Civilized Tribes embrace about 19,000,000 acres and occupy the eastern half of Oklahoma, where there are about 101,000 enrolled Indians, of which approximately 36,000, which include full bloods and three-fourths blood Indians, whose affairs are still under supervision of the Government, and intermingled with these Indians are approximately 800,000 white people. The number of minor Indians is estimated at about 60,000, about 1,500 in each of the 40 counties. Each minor has an allotment of land, and the aggregate value of such are estimated at $150,000,000. As shown by letters from various county judges, asking that these district agents be retained, it is impracticable for them, not having the machinery to make field investigations, to properly administer such estates without Federal assistance; furthermore, these agents or Federal employees are required to administer the affairs of the restricted adult Indians over which the local courts have no jurisdiction whatever, therefore the Government will be required to look after the welfare of such class who are now minors when they shall reach their majority.

I understand from the Chickasaw tribal representatives that the counties in the Five Civilized Tribes, within the congressional district of Mr. FERRIS, contain but few restricted Indians, such localities being populated mostly by whites and Indians of slight Indian blood, whose affairs are not under the supervision of the Government; that a large part of the restricted Indians who live elsewhere, however, have valuable allotments of land in these counties which are leased to white persons, who naturally desire that the Government shall not interfere in their dealings with such Indian landowners, and I have no doubt but what there is in his counties a demand upon him that he get rid of governmental agents that interfere in their dealings with the Indians in the leasing and purchase of their lands. My experience is that white people living in the Indian country are, as a rule, very insistent that they ought to be permitted to deal direct with the Indians without any governmental supervision, and all of us who have such constituencies are ever being importuned to make it easier to do business with the Indians. It might be noted that before district agents were provided in Oklahoma that thousands of deeds, mortgages, leases, contracts, and other instruments affecting the property of the Indians who were not authorized to make such contracts, were made, and the result is that there have been instituted by the Department of Justice about 30,000 suits to recover property wrongfully obtained or to quiet titles. The land involved in the suits so brought has been tied up and could not be disposed of by reason of the litigation, which has gone to the Supreme Court of the United States, and decided that the Government had the power to bring the suits. This has retarded the development of the localities where the lands are located. The district agents are very useful and are constantly engaged in obtaining information in support of the suits instituted, as stated, and in obtaining information of other illegal transactions where a suit should be brought, and suits are being instituted as the result of their efforts. The removal of the district agents will undoubtedly result in a repetition of what transpired before, and immediately there will be an effort to obtain the lands of the Indians, making it necessary for the Government to again intercede and institute proceedings to recover property that the Indians will be deprived of. In my opinion it will be much better for the welfare and prosperity of Oklahoma to continue the representatives of the Government in the protection of these Indians, preventing as they do by investigating and reporting such illegal transfers where they occur, and it will be much better for the white people who deal with the Indians than to have the condition that prevailed, and that will prevail again if these district agents are discontinued.

Mr. Speaker, in conclusion, I want to say it is my honest judgment that to discontinue the district agents would not only be a mistake, but it would mean that the real Indians, and particularly those of full blood, will be wronged, robbed, and despoiled and stripped of all they now possess and will be left helpless, and the State of Oklahoma will have upon its hands a large Indian pauper population which they will expect the Federal Government to feed and care for. It will mean the writing of a page of infamy and scandal in Indian history that has never before been approached. I do not wish to impugn the motive of any gentlemen from Oklahoma who occupies a position on this floor, and I want to give them credit in their efforts to eliminate these guardians of the Indians for being actuated by good intentions; but I can not help but feel and believe that they have been imposed upon and unconsciously have allowed themselves to be influenced by mercenary, unscrupulous, and dishonest persons who are seeking to remove what now prevents such persons from taking from the Indians the lands and moneys they now possess without adequate consideration; and I want to warn the Members from Oklahoma who occupy places on the other side of this Chamber, and particularly the two who are members of the Committee on Indian Affairs, that if the district agents are discontinued they will be responsible, and if scandal follows and the Indians of the Five Tribes are despoiled, debauched, and made to suffer, they can not escape the responsibility, for it is to them and their influence that the appropriation for the district agents was left out of the bill when it was reported to the House, and that the Senate was compelled to recede from its amendment restoring the item. The gentleman from Oklahoma [Mr. CARTER], one of the conferees, is alone responsible, for had he been willing the House conferees would have receded. I sincerely hope that in the new conference, in case my motion to confer is voted down, he will be dis-

posed to reconsider his position, and that an appropriation can be provided that will make it possible to continue a portion, if not all, of the district agents that are now employed.

AUGUST 10, 1912.

DEAR SIR: Since talking with you this morning about the appropriation for the 16 district Indian agents in Oklahoma I have had a memorandum prepared by Commissioner Wright, of which I am taking the liberty of inclosing a copy. It shows the facts with regard to disbursements and collections in the Five Civilized Tribes during the fiscal year 1911, and also states some of the reasons why the abolition of the district agents will probably result disastrously to the interests of the Indians. I hope very much that you will be able to secure the retention of these agents in the bill. If the opposition is so strenuous that you feel it necessary to make some reduction, the reduction ought to be as little as possible. Commissioner Wright insists that the whole 16 agents are necessary to the proper carrying on of the work. If you should reduce these to 12, we will do our best to cover the field so that results can be reported for the next appropriation bill, and action then taken in the light of the experience of the current year. If the agents are entirely abolished, it will be absolutely necessary to have a material increase in the general appropriation to cover traveling agents, and $50,000 will be the very least that we could get along with. It should be more than that. Commissioner Wright thinks it should not be less than $75,000. In other words, the total reduction from the $275,000 allowed last year ought not to reduce the amount this year below $250,000. The department will, of course, have to get along with what Congress gives it, but I trust that the reduction will be as small as possible. From the information now available, it seems certain that if the district agents are abolished and the appropriation reduced, as is now proposed, the result will be great dissatisfaction in the Territory and increased delay in passing upon matters of importance, in which not only the Indians, but the whites as well, are deeply concerned. In view of the conditions reported by the Oklahoma Department of Charities and Corrections, to which attention was called in a recent veto message of the President, there is almost certain to be grave scandal and abuse of the rights of the Indians if the Department of the Interior is not given adequate funds to keep up at least the present degree of supervision. You will note that in the statements in regard to disbursements for the year 1911 the cost of administration per capita of the restricted Indians of the Five Civilized Tribes was only $7.29, which is less than half the amount expended for Indians outside the Civilized Tribes and authorized by Congress.

Very truly, yours,

WALTER L. FISHER,
Secretary.

Hon. JOHN H. STEPHENS,
House of Representatives.

—

FIVE CIVILIZED TRIBES.

Disbursements and collections during year ending June 30, 1911.

DISBURSEMENTS.

Administration, account 36,961 restricted Indians (cost per capita, $7.29):		
Congressional appropriation for Five Tribes	$154,991.76	
Congressional appropriation for district agents, expert farmers, police, rent, etc	114,300.24	
Total for administration, individual Indians	269,292.00	
Completion allotment work, congressional appropriation (tribal)	85,510.87	
		$354,802.87
Equalization freedmen allotments		12,543.26
Tribal funds, salaries and expenses Government employees in collecting $2,053,796.96 at a cost of 4½ per cent		55,803.15
Salaries and expenses, tribal officers	$95,874.75	
Equalization allotments	217,140.60	
Per capita payment	12,260.40	
Reestimating timberlands	29,824.28	
Refunds, etc	22,454.39	
		377,554.42
Miscellaneous (not appropriations or tribal funds) receipts, fees, certified records		17,985.40
Schools		371,509.79
Total		1,190,198.89

COLLECTIONS.

Tribal collections, including rent unallotted lands, coal and asphalt royalties, etc	480,830.74
Sales of unallotted lands (25 per cent cash)	1,572,966.22
Individual Indian collections (oil and gas royalties, etc.)	1,365,826.52
Individual Indian sales	674,730.71
Actual savings, probate cases, by district agents (additional estimated amount saved over $1,000,000)	549,498.91
Total	4,643,853.10

DISTRICT AGENTS.

There are 16 district agents, at $1,800, each having 1 assistant receiving a salary of from $900 to $1,200; 1 probate attorney, at $2,500; 1 assistant probate attorney, at $2,000; 1 district agent, at $2,000, located at the agency office to attend to correspondence and instructions to various district agents; 1 special district agent, at $1,800, whose time is mostly given to assisting the United States attorney and courts in procuring evidence in criminal cases where persons have defrauded Indians or committed crimes in connection with procuring deeds by illegal and criminal procedure; 9 special district agents, at salaries from $1,200 to $1,600 each, whose principal duty is checking up probate accounts. All of the above are under the direction of the Indian superintendent. There are also 2 supervising district agents acting under instructions from the Commissioner to the Five Civilized Tribes, whose duties are to inspect the offices of the district agents and make investigations of all matters pertaining thereto, including complaints originally filed by Indians or referred by the department.

Each district agent has an average of about 6,000 citizens, of which over 2,000 are within the restricted class. As restrictions are removed and the funds arising from the sale handled through the district agent, such work constantly increases. In connection with the removal of restrictions such service expedites such work, thereby making the land taxable. If such work were discontinued by men in the field and required to be taken up specially through the general office, removal of restrictions would require such time as to make it almost impossible. Under the present system, however, over a quarter of a million acres were freed from restrictions during the year.

About 20,000 probate cases have been examined by district agents during the year, with the result that reports of guardians long overdue have been filed, that charges not proper against the estates of wards have been eliminated, improper guardians have been discharged and other suitable persons appointed, all through cooperation with county judges, who are unable to make necessary investigations of such accounts by reason of the great number of wards with valuable estates and the crowded condition of county dockets. In one single instance there was found by such investigation $31,000 due minors. More than 20,000 cases have been examined during the year. The time and work required on a probate case varies from mere advice to the guardian or assistance to the court to an exhaustive examination of reports or filing of suits on behalf of minors and complete investigation of all facts in connection therewith. The district agents are frequently called on by the courts to make appraisements of the lands in land sales by full-blood heirs.

Work of district agents.

Reports in probate matters under section 6, act of May 27, 1908	671
Reports to superintendent, miscellaneous probate matters	582
Probate complaints filed	1,696
Probate complaints disposed of	1,482
Probate cases examined, investigated, and handled, approximately	20,000
Lease complaints filed	2,199
Departmental leases forwarded to superintendent	443
Applications for removal of restrictions forwarded to superintendent	1,759
Amount of money actually saved for Indian allottees by district agents	$549,498.91

From the foregoing it will be noted that there has been saved to the Indian allottees on account of the district agents' efforts $549,498.91. This represents actual, tangible savings and arises from various matters, such as deductions made in amounts charged by guardians in their reports, increased amounts received in rentals by reason of advice given by district agents, amounts deducted from claims against allottees by creditors, and numerous other matters which are constantly arising. This amount exceeds that reported last year by $157,880.51.

In addition to the tangible savings to the allottees, the intangible savings and losses prevented by timely advice and assistance, while impossible of accurate estimation, will without doubt swell the total to approximately $2,000,000.

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DEPARTMENT OF THE INTERIOR,
Washington, August 12, 1912.

Hon. CHARLES H. BURKE,
House of Representatives.

SIR: I have the honor to invite your attention to the inclosed copy of a telegram, dated August 11, 1912, from Superintendent Kelsey, of the Union Agency, Muskogee, Okla., regarding the urgent need of Congress providing an appropriation for the salaries and expenses of the district agents for the Five Civilized Tribes.

In this connection your attention is invited to the very full justification for this appropriation found in the printed hearings on the Indian appropriation bill before a subcommittee of the Committee on Indian Affairs of the House of Representatives, beginning with page 265 of said hearings. Your attention is also invited to the document authorized to be printed by the Senate containing letters from 5 principal chiefs and tribal attorneys, 40 county judges, 22 other State officers, and 715 prominent citizens, including bankers, lawyers, merchants, and farmers of Oklahoma, expressing appreciation of the favorable cooperation, indorsing the work of and urging the retention of district agents in the Five Civilized Tribes.

I can not too strongly recommend and urge that Congress provide an adequate appropriation for the retention of the district agents. No other officials in the Indian Service have been more helpful in the protection of the property rights of Indians and assisting in the administration of Indian Affairs and in expediting the work required of the Indian Service in the Five Civilized Tribes by legislation of the Congress than have the district agents. It is exceedingly important that the district agent force be retained, in order that the property rights of thousands of full-blood adults and Indian minors may be protected. If Congress should fail to provide the district agents, the Indian Service would be seriously crippled, would be without adequate machinery with which to carry out the laws heretofore enacted by Congress, and the property of the restricted Indians of the Five Civilized Tribes would be jeopardized and in a large number of cases sacrificed because of lack of proper supervision and protection.

Very respectfully,

SAMUEL ADAMS,
First Assistant Secretary.

—

THE WESTERN UNION TELEGRAPH CO.

[Received at Wyatt Building, corner Fourteenth and F Streets, Washington.]

MUSKOGEE, OKLA., *August 11, 1912.*

COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.:

Regarding restricted class of Five Tribes Indians needing Government protection, the district agency service is the most effective ever employed by Government, not only in extinguishment of grafting, but preparation of Indians for ultimate self-sustaining citizenship. These local officers, each having nearly 2,000 uneducated Indians, really take the place of regularly established Indian agencies in western Oklahoma and other States, which many times have only few hundred Indians. Elimination of Five Tribes district agents at this time would be shocking blow to effective Indian administration and cruel injustice to these helpless full-blood Indians. In addition to adult full bloods * * *

minor Indians, owning realty valued in neighborhood of $150,000,000, creating probable situation such as never before existed in any State. No better argument as to lack of State machinery and necessity of cooperative protection than that contained in letter State department charities and corrections. (See p. 11067, CONGRESSIONAL RECORD, Aug. 6.) Expense of district agents is inconsequential compared with the vast property and educational interests conserved. Not one cent of Indian money has been expended for district agents, but, on contrary, they have actually saved individual Indians from five to six hundred thousand dollars annually, and indirect savings would total at least two million per annum, besides facilitating general land and lease transtions for both Indians and public. And to cut off field machinery will materially delay disposition of excess lands and otherwise prevent operation existing laws to the full extent that may be proper. I earnestly urge that every possible means be used for the retention of this splendid service.

KELSEY, *Superintendent.*

—

THE SECRETARY OF THE INTERIOR,
Washington, August 16, 1912.

Hon. C. H. BURKE,
House of Representatives.

MY DEAR SIR: With further reference to the appropriation for the 16 district agents of the Five Civilized Tribes in Oklahoma I inclose herewith, for your information, copy of a telegram from Thos. W. Leahy, county judge, Muskogee, Okla.

Very truly, yours, WALTER L. FISHER, *Secretary.*

—

MUSKOGEE, OKLA., *August 15, 1912.*

Honorable SECRETARY OF THE INTERIOR,
Washington, D. C.:

It appears from press reports that appropriation for district Indian agents has been eliminated. Such action will be most disastrous to Indian allottees. Having jurisdiction over the heaviest probate court in Oklahoma I am thoroughly familiar with assistance rendered minor and full-blood Indians by district agents. Under present conditions, without the assistance of the agents, property protection by the county court would be impossible.

THOS. W. LEAHY, *County Judge.*

—

TAHLEQUAH, OKLA., *August 17, 1912.*

The honorable SECRETARY OF INTERIOR,
Washington, D. C.:

Noting from press dispatches the possibility of the abolition of the district-agency system of your department in that part of Oklahoma formerly Indian Territory, my interests in the class of our citizens to be affected and personal knowledge and observation prompts me to urge upon you the imperative necessity of maintaining the system for the proper protection of this class. Every conceivable reason for right and justice, the discharge of paternal duty assumed by the Federal Government toward the Indians, the faith confided in Congress by the Indians, fortified by every legal and moral obligation held out to them in negotiations—resulting in the allotment—demand the continuance of the district-agency system, as this is the best means of giving to them proper protection from graft.

HOUSTON B. TEEHEE,
County Attorney, Cherokee County, Okla.

—

TAHLEQUAH, OKLA., *August 18, 1912.*

SECRETARY OF THE INTERIOR,
Washington, D. C.:

It would be a great calamity in this county to discontinue the district agent. In this county is pending nearly 4,800 Indian estates which can not be properly cared for with the help now allowed the county judge, and the county is not financially able to pay for additional help. The number of district agents should be increased in this county.

J. T. PARKS,
County Judge, Cherokee County, Okla.

—

ARDMORE, OKLA., *August 18, 1912.*

Hon. WALTER L. FISHER,
Secretary of the Interior, Washington, D. C.

SIR: I note there is an effort being made to eliminate United States district Indian agents in eastern Oklahoma; this should not be, as these district agents are an absolute necessity for the protection of a larger number of these Indians; also they are indispensable in guardianship and probate matters.

J. H. MATHERS,
County Prosecuting Attorney for Carter County, Okla.

—

CHICKASAW, OKLA., *August 16, 1912.*

SECRETARY OF INTERIOR,
Washington, D. C.:

The service of district Indian agents has been of great benefit to my court and I protest against their discontinuance.

N. M. WILLIAMS,
County Judge.

—

THE SECRETARY OF THE INTERIOR,
Washington, August 13, 1912.

Hon. C. H. BURKE,
House of Representatives.

MY DEAR SIR: With further reference to the appropriation for the 16 district agents of the Five Civilized Tribes in Oklahoma, I inclose herewith, for your information, copies of two telegrams from representatives of the Keetoowah Society of Oklahoma.

Very truly, yours,

WALTER L. FISHER, *Secretary.*

TAHLEQUAH, OKLA., *August 11, 1912.*

The Honorable SECRETARY OF THE INTERIOR,
Washington, D. C.:

I see that it is proposed by Congress to now discontinue districts in eastern Oklahoma. I know this is not best for the full-blood Indian; he is incompetent to handle his affairs without the assistance of the district agents, who have no interests but to do justice to the Indian; without help they are left to the mercy of the speculators.

R. W. WOLFE,
President Keetowah Society.

—

TAHLEQUAH, OKLA., *August 12, 1912.*

The honorable SECRETARY OF THE INTERIOR,
Washington, D. C.:

Be it resolved by the advisory committee of the incorporated Keetoowah Society in regular annual session, It is the unanimous sense of this society that all full-blood Cherokee Delawares and Shawnees earnestly protest against the proposition now pending in the United States Congress to abolish the district Indian agents in eastern Oklahoma. It is the avowed duty of the United States to protect the full-blood Indians, and the withdrawal at this time of the effective protection afforded them by the district agents means not only failure and refusal to protect, but in the opinion of this society it will result in incalculable injury and loss to thousands of full-blood Indians, including minors who have inherited valuable estates.

Resolved, That the presidents of this society are hereby directed to at once transmit these resolutions to the Secretary of the Interior, Washington, D. C., and that said Secretary be, and is hereby, requested to immediately transmit copy of same to Congress or committees thereof, and to the President of the United States and to the Oklahoma delegation in Congress. Passed the advisory committee by unanimous vote.

BILL MANKILLER,
Second Vice President.
R. R. MEIGS,
Chairman.
FRANK J. BOUDINOT,
Secretary.

Approved.

RICHARD W. WOLFE,
President.
PRICE COCHRAN,
First Vice President.

—

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
OFFICE OF DISTRICT AGENT,
Sapulpa, Okla., August 14, 1912.

Hon. DANA H. KELSEY,
United States Indian Superintendent, Muskogee, Okla.

SIR: For your information, I have the honor to call your attention to the fact that the case of the State of Oklahoma v. Josiah G. Davis, former county judge of Creek County, Okla., charged with embezzlement, will be called for trial at the next criminal term of the Creek County district court. The defendant is charged with embezzling $6,750 of funds belonging to the estate of Rowie E. Pittman, a deceased minor citizen of the Creek Nation of one-half degree of blood. His heirs are his mother, Lucinda G. Pittman, a full-blood citizen of the Creek Nation; his father, Robert G. Pittman, a white man; and his brothers, Robert G. Pittman, jr., and Buster Pittman, one-half blood minor citizens of the Creek Nation.

On February 15, 1912, information was filed in the court of Justice of the Peace W. E. Root, of Sapulpa, Okla., against former County Judge Josiah G. Davis, charging him with the crime of embezzlement. On February 16, 1912, warrant was issued for his arrest. On the same date the defendant was arrested, appeared in court, waived arraignment, and was released on bail. On March 4, 1912, the defendant appeared in court and waived his preliminary hearing. He was held to the district court of Creek County by the justice of the peace, bond being fixed, given, and approved in the sum of $5,000.

The arrest of former County Judge Davis, of Creek County, was the result of alleged fraudulent transactions in his court while he was on the bench.

Immediately after former County Judge Davis retired from office, his successor, Warren G. Brown, called upon the department for assistance in checking up probate cases, in which cases it was alleged that minor citizens of the Five Civilized Tribes were being robbed. Special Assistant District Indian Agent L. B. Locke, was assigned to Sapulpa; more than 600 citations were issued to delinquent guardians; reports, which had been in arrears for more than three years, were filed, and many thousands of dollars were saved to the minor citizens.

I was assigned to this office on December 8, 1911. I was called by the county judge into a large number of important cases, assistance being rendered me by Probate Attorney D. H. Bynum, Supervising District Indian Agent C. F. Bliss, and Special District Agent Fred S. Cook. As a result of the work performed by this office for the probate court of Creek County, there was saved in eight months for minor allottees, the sum of $46,784.43.

In Creek County, Okla., there are 1,691 probate cases. There are 14 probate cases in which the personal property and the real estate of each minor is worth more than $100,000. There are more than 200 cases in which the personal property and real estate of each minor is worth more than $25,000. All of these estates are rapidly increasing in value.

The production of oil and natural gas accounts for the immense valuations of the estates of minor citizens of the Creek Nation in this county. The increase in the price of crude oil produced from the lands of these children, and the subsequent increase in the number of wells drilled will cause the estates to double in value during the next year.

The county judge, Warren H. Brown, is conscientiously doing his duty. On account of the vast amount of business in his court, however, he is unable to give detailed attention to all the large estates over which he has jurisdiction, and he is continually calling upon this office for reports and investigations. It is the desire of the county judge to prevent a repetition of probate conditions as they existed during the administration of his predecessor in office. He is expecting the assistance of this office in preventing robbery of estates of Indian children.

Respectfully,

FRANK B. LONG,
District Agent.

IDABEL, OKLA., *September 1, 1912.*

Mr. DANA H. KELSEY,
United States Indian Superintendent, Muskogee, Okla.

SIR: Supplemental to the report this day forwarded your office on the regular form, I beg to submit to you, an additional and more detailed report as to what has been accomplished in this district during the month of August, 1911, as follows:

QUITCLAIM DEEDS.

In May of 1911, when you visited McCurtain County, and announced that there would be a new district agency created, and an investigation into the condition of affairs in McCurtain County, of parties who had taken deeds which were not in strict accordance with the law, immediately began to quitclaim even before the investigation had taken definite form and shape. As a result of your visit we are unable to say just how much land was quitclaimed, but I am informed from reliable sources that thousands of acres were quitclaimed back to the allottee. However, there was much land in this county and other counties clouded by illegal deeds, taken in contravention to the acts of Congress, and during the month we beg to report quitclaims to the following allottees, giving the acreage, and the county in which the land was located, as follows:

Name.	Acreage.	County.
George Tonihka	240	McCurtain.
Julius Jefferson	80	Pittsburg.
Philiston Juzan	119	Carter.
Onnitima Sampson	140	Jefferson.
Levi Tikubbi	120	Bryan.
Lincie Taylor (née Tisho)	100	Garvin.
Hampton Wright	160	McCurtain.
Semie Walker	240	Do.
Harriet Brown	90	Do.
Philiston Byington	110.04	Stephens and Grady.
Anthony Johnson	100	Stephens.
Eyahoke Sampson	160	Do.
Phyllis Williams	160	Do.
Siney Colbert	100	Jefferson.
Agnes Webster (née Stevens)	100	Do.
Benjamin McFarland	100	Grady.
Edna John	120	Jefferson.
Hilton Johnson	100	Do.
Amos John	110	Do.
Fliston Tisho	100	Garvin.
Ellis Ebahotubbi	80	Jefferson.
Annie Johnson	120	Do.
Dixon Parker	130	Carter.
Enos Williams (née Tontubbi)	40	Bryan and McCurtain.
Thompson Battiest	100	Jefferson.
Sallie Battice	57.51	Do.
Levi Sampson	101.50	Stephens.
Denison Walker	65	McCurtain.
Moses Williams	110	Carter.
Sean Wood	140	Carter and Garvin.
Joe Hotintobe	170	Stephens.
Henson King	119.43	Murray.
Emma Morris	90	Love.
Laymon Bohanon	100	Stephens.
Collin Shaw	100	Do.
Levi Tikubbi	100	Bryan.

Making a total aggregate of 4,113.48 acres, quitclaimed through this office.

In addition to this we could have procured quitclaims to other lands, but it appears that accepting them would have interfered with the work of the arbitration board about to assemble in this county and pass upon the titles submitted to them.

INHERITED LANDS—THROUGH THE COUNTY COURT.

One of the features in this county was where sales of lands by full-blood heirs were put through the county court of McCurtain County, and in this respect the Indians, in many cases, received no money, or, after the consideration was paid them it was taken away by trickery, sometimes by the very vendees of the land and sometimes by others.

In accordance with the agreement which I made with the county judge I thought it prudent until conditions changed to place this money in a bank to the credit of the Indians, subject to the O. K. of the district Indian agent.

In this connection we have handled 10 accounts, representing a total aggregate of $4,234.75, and the Indian has our assistance in disbursing his accounts in a manner which will best subserve his interests. We have assisted the Indian in these cases in buying horses, furniture, houses, etc., in the same manner that we do where the money is directly under departmental supervision. This has added more work to our office, but in view of the conditions we thought it better to accept these terms of the county judge than to have the money stolen from the Indian or wantonly wasted.

In the matter of these claims it appears that Wade Battiest and Allington Battiest sold their interests in a dead claim through the courts here, but was unable to discover where the money went. The only thing they had to show that this money was due them was a slip of paper saying that $285 was due Wade Battiest and $185 was due Allington Battiest. After consultation with the county judge, a search of the records, and an investigation of the matter, we finally located this money in the First State Bank of Idabel, Okla., and procured deposit slips and pass books for these Indians, and in this manner effected a saving of $480.

In the case where Eliza Willis sold her interest in a dead claim through the county court for the sum of $404.15, the vendees of this land made the check out to Lizzie Ishcomer. We took this matter up with the First State Bank, but could not discover any trace of money belonging to Eliza Willis. We also took this matter up with Earl & Montgomery, of Garvin, Okla., vendees of the land, searched the records, consulted the county judge, and investigated the matter thoroughly, and finally discovered that Messrs. Earl & Montgomery had made the check out to the wrong parties, although the records of the court showed that Eliza Willis was the vendor of the land. We then procured a pass book for this allottee, and thus effected a saving of $404.15 where the Indian would have been unable to trace the money.

In the matter of a sale of the interest of Wickliss McCoy in a dead claim, this was presented for approval to the county judge, and I asked that this matter be held up until we could furnish an appraisement and investigate the consideration which Wickliss McCoy had received. Upon investigation, I found that the deed was a forgery, and that the allottee had received nothing for the purported deed conveying his interest in 190 acres of land, and the court refused to approve this deed, thus effecting a saving to this Indian of $2,000.

In the matter of Sophia Jackson, it appears that she sold her interest for $625 in a dead claim, through the county court, and had received only $125, paying her attorneys $200 for their fee, but they could give me no information as to where the balance of the money went, nor did the Indian know. However, I investigated it, and collected $187.50 for the Indian from Buck Thompson, of Idabel, Okla., and the bank of Idabel, and there is some more to be collected yet.

On account of the investigation that has been going on here, we were unable to take up other claims wherein the Choctaw Lumber Co. and Mr. Whitehead, of McAlester, Okla., were interested, because, as I understand it, these claims were to be submitted to the board of arbitration, which is about to set here. However, prior to the creation of this board, we took up the matter of Jessie Lewis's dead claim, wherein Mr. Whitehead was involved, and prevented the attorneys for the Indian from agreeing to a compromise, which, in my judgment, was disastrous to the financial interests of the Indian, and thus effected a saving of $1,000 to the Indian. The compromise, as I understood it, was to be for the appraised value or over the appraised value, while the land was worth $1,000 more than what they agreed on in the compromise.

PROBATE MINOR MATTERS.

Probate minor matters in this county have been in a serious condition and needed the attention of the department, and Messrs. Hill & McCurtain, tribal attorneys for the Choctaw Nation, agreed to take up these matters and go over them, and I believe Mr. McCurtain is about to move here and take up this work and other work in conjunction with our office. However, in investigating the condition of affairs here in this county we were informed that the agents of the Southwestern Surety & Insurance Co., a corporation duly organized under the laws of the State of Oklahoma, were doing "wild-cat" business in the name of this company.

In connection with my work, I adjusted the complaint of Mr. Dyer in a probate matter with Mr. Barry, the agent of the Southwestern Surety & Insurance Co., stationed at Idabel, and subsequent to this time Mr. Cook and I had talked this matter over and went over and took Mr. Barry to the prosecuting attorney of this county, Mr. Barrett, and had Mr. Barry make a full statement which was taken down by Mr. Barrett's stenographer, as to how Indian minor moneys were handled in McCurtain County. During the course of this statement Mr. McCurtain, attorney for the Choctaw Nation, and Mr. Fred S. Cook came into Mr. Barrett's office and this matter was gone over thoroughly by all present.

We discovered the modus operandi of the parties concerned was this:

That a sale of land would be put through the county court involving a minor's interest, and the money derived from the sale would be placed in the First State Bank of Idabel to the credit of James E. Whitehead, attorney at law, McAlester, Okla. It appears further, from the statement of Mr. Barry that he was the employee of Whitehead and the Southwestern Surety & Insurance Co., and that when a sale of minor land was put through the court Barry, acting as agent for the Southwestern Insurance Co., wrote the bond for the guardian who put through the sale, the guardian, in most cases, being a full-blood Indian, and financially irresponsible and unable to make a personal bond.

It appears further that the Southwestern Surety & Insurance Co. had filed a power of attorney in McCurtain County, as required by law, authorizing its agent to make bonds for guardians and administrators and specifying that the moneys derived from the sale must be deposited in the name of the guardian and subject to the joint control of the guardian and bonding company. It appears that Mr. Whitehead flagrantly violated the instructions and authority contained in the power of attorney and changed the joint-control agreement so as to make this money, or any money derived from the sale of minors' land, be deposited in the name of the company or its agent at Idabel, Okla. However, we found that the company had no knowledge of this, or denied that they knew anything about it, though they admitted that they had an indemnifying bond from Mr. Whitehead for everything done in McCurtain County.

Mr. Barry made the Indian agree to turn over this money to him as agent, and the money derived from any sale was deposited, not in the name of the guardian but in the name of Mr. Whitehead. The sums were all deposited in one account—in a lump sum, so to speak—and were not kept in the name of any guardian. Mr. Whitehead would then use this sum which was deposited in his name and which had been derived from the sale of minor lands to purchase other lands sold through the probate court, or sold by full-blood Indians, wherein they were heirs of a decedent.

It appears further that Mr. Whitehead was not paying any interest for the use of this money, and it also appears that a fellow by the name of H. M. Hemperley was stationed here prior to Mr. Barry and acted as the agent of the company and of Mr. Whitehead.

In this manner Mr. Whitehead used thousands of dollars, and while the records of the court showed that the guardian had sold the land, yet he was unable to show that he had any money in his name, but that the money was in the name of Mr. Whitehead, of McAlester.

It appears further that the Southwestern Surety & Insurance Co. was induced to come to Idabel by Mr. Whitehead to write bonds, and he gave them, for what was done in McCurtain County, an indemnifying bond to protect them. As you are aware, and in accordance with your instructions, Mr. Cook, special agent; Mr. Ward, supervising district agent; and myself proceeded to Denison and took this matter up directly with the officers of the company, and we subsequently returned here and went over the account of each minor wherein the Southwestern Surety & Insurance Co. were bondsmen, audited this account, and found out just what was due each minor. The company then, by its secretary, Mr. Van Wyck, promised to forward us a draft in the sum of $32,029.27, and we beg to submit herewith the following list of minors wherein the Southwestern Surety & Insurance Co. were bondsmen, and wherein Mr. Whitehead had these minors' moneys

deposited in his name and was using the same for speculative purposes, as follows:

Guardian or administrator	Minors or deceased.	Amount due.
George T. Victor.....guardian..	Isaac, Frank, and Jesse James.....	$170.00
Kisson Jackson.....do....	Allette Battiest.....	143.10
Joe Hotinlobe.....do....	Lena Hotinlobe.....	248.49
Thompson Battice.....do....	Lena, William, and Mary Battice..	516.00
John Bohanon.....do....	Phoebe and John J. Bohanon.....	534.15
Abbott Elliott.....do....	Aleta Elliott.....	303.00
Isom Williams (negro).....do....	Mary Ellen, David, and Ben French.	203.36
Z. W. Wilson.....do....	Curtin McDaniels (negro).....	35.25
Matthew Richards, guardian.....	Gertrude Richards (negro).....	39.65
Flora James, administrator.....	Jones James, deceased (white).....	1,167.00
Pearl L. Harrison, administrator....	G. O. Parker, deceased (white).....	1,265.65
Stephen Gipson, guardian.....	Lula Gipson.....	167.90
S. O. McCarthy, guardian.....	Ora Knight and Lawrence Thomas.	200.00
Leon Alemohtubbi, guardian.....	Elus, Ilas, and Letty Alemohtubbi.	2,101.00
Willard Brown, guardian.....	Arthur Alexander.....	71.85
S. J. Ben.....	Evelyn Lewis and Jackson Ben....	373.00
Armes Brown, guardian.....	Elias Brown.....	249.45
Alfred Byington, guardian.....	James and Roah Wilson.....	562.85
Davison Colbert, guardian.....	Sean Colbert (incompetent).....	90.00
Charles Colbert, guardian.....	Eliston Charley.....	854.00
Johnson Cogswell, guardian.....	Herndon Cogswell.....	148.77
John Daniel, guardian.....	Ellen McAlester, deceased.....	244.70
David Dyer, guardian.....	Judy Wilson.....	29.85
Joshua Hall, administrator.....	Minnie Hall, deceased.....	139.81
Sampson Hall, guardian.....	Levicey Billy.....	122.25
Daniel Jefferson, guardian.....	Ella Alexander.....	33.35
Do.....	Peter Sampson.....	242.85
Do.....	Ellen Alexander.....	13.35
Sampson Jefferson, guardian.....	Wilston Jefferson.....	73.54
Do.....	Sophia Jefferson.....	224.44
Do.....	Joseph Anderson.....	458.50
Do.....	Salkon Jefferson.....	428.60
Hampton Joel, guardian.....	Henry and Annie Carney.....	465.09
Hilton W. Johnson, guardian.....	Amos Fisher.....	764.45
Samwell Lowman, administrator...	John McKinney, deceased.....	65.35
Salina Maytobe, guardian.....	Leo and Lawrence Harley.....	733.00
Frank McAfee, guardian.....	Allen and Netsey McAfee.....	793.00
Ben McFarland, guardian.....	Abel Nelson.....	61.60
Wm. H. McKinney, guardian.....	Mike, Osby, Lowena, Levicey, and Mattie Williams.	4,695.95
Wm. H. McKinney, guardian.....	Paul and Lesian Crosby.....	837.58
Alvin Nelson, guardian.....	Mattie and Quintus Maytobe.....	477.80
Dixon Parker, guardian.....	Kitsie Lewis.....	134.05
Keith Shaw, guardian.....	Stiles Shaw.....	252.85
Samuel Shaw, guardian.....	Missie Thomas.....	450.37
H. L. Stiff, guardian.....	Easton Billy.....	415.00
Do.....	Melville, Thompson, Tecumseh, Mary, Kaleston, and Francis Anna.	375.74
Do.....	Moffin, Elliston, Gaven, Minnie Nicey, and Fanny Ebahotubbi.	494.17
Levi Stewart, guardian.....	Ed Collins.....	340.95
Abel Suckkey, guardian.....	Dora Hall.....	1,321.60
Fliston Tisho, guardian.....	Rogers and Wesley Tisho.....	40.45
P. J. Thomas, guardian.....	Laura, Elix, and Irene Tohkubbi,	256.25
Phelin Taylor, guardian.....	Myrtle Lela Taylor.....	329.75
P. J. Thomas, guardian.....	Wallace Willis.....	338.90
Sinsie Thompson, guardian.....	Lena Thompson.....	840.00
Raymond Wilson, administrator...	Isin Tikebatubbi, deceased.....	271.35
Wm. S. Ward, guardian.....	Hinmon and Lelia Brown.....	864.00
Allen Willis, guardian.....	Matsie, Elsie, and Edmond Willis..	373.00
Wm. P. Wilson, guardian.....	Walter, Lena, and Edward Wilson	1,744.25
Cole Wilson, guardian.....	Cabin and Lena Wilson.....	574.00
Joseph Watkins, guardian.....	Louisiana Watkins (incompetent)..	83.75
Lucy Ann Williams, guardian.....	Henry, Nelson, and Eddie Williams.	305.00
Thomas Watson, guardian.....	Allen Watkins.....	216.01
Willis Willie, guardian.....	Daniel Willie.....	187.75
John Cornelius, guardian.....	Solomen and Silas Lewis.....	182.60
Semie Walker, guardian.....	Joe, Lotson, and Solon Walker.....	286.80
Harris Ward, guardian.....	Jessie, Osborn, and Golton Colbert..	997.30
Total.....		32,027.29

This shows an actual recovery of cash to these minors of $32,027.29. You will see from the above statement that Mr. Whitehead was using these minors' money and was not paying any interest for the use thereof, and while the company as contradistinguished from its agent here is, in my judgment, not guilty of what Mr. Whitehead has been doing, yet the recovery of the money as specified in the list herewith submitted will serve as a preventative of such pernicious practice in the future.

It appears further in this connection that Judge Barnes had, prior to the time the company had come here to do business, published a statement in the newspapers of McCurtain County, warning the public that they should patronize this company, as it was financially responsible, and there is no doubt in my mind that the county judge of this county was fully cognizant of the manner in which this money was used and fully cognizant of the purpose for which Mr. Whitehead used this money.

In the investigation of this matter, then, we have actually recovered for the minors of this county the sum of $32,027.29.

In the famous and infamous matter of John Lemon, a full-blood Indian, guardian, wherein he is guardian of Mary, Jessie, and Joseph Taylor, Indian minors, and in the matter of Leon Alemohtubbi, a full-blood Choctaw Indian, who is guardian of Elas, Ilis, and Letty Alemohtubbi, Indian minors, it appears that Judge Barnes, without acting as county judge of McCurtain County, in direct contravention to the law, loaned $14,000 of the above-named minors' money to C. Gamble, of the Bank of Garvin, on his mere personal note, and without a court order, though these notes show that Judge Barnes was surety thereon. In these cases we took this up with Mr. Gamble, and while Judge Barnes said he would be sued rather than turn this matter over, yet we now have in our possession a bank deposit slip wherein this money is placed to the credit of the guardian as guardian of the minors above enumerated and not held by C. Gamble as heretofore. In this connection we actually recovered the neat sum of $14,000.

In the matter of Joe Ben, it appears that Judge Barnes was using $2,000 of his ward's money, and he has also agreed to fix this matter up, though we have not had time so far to fix the matter.

In the matter of the Dukes children, it appears that $3,900 of this money was loaned to Claude Morris and Mr. Leggett, though it appears that real estate security was given to the guardian, as guardian, yet no authority of law or order of court was made to the guardian to loan this money. We took these matters up with the respective parties, and we have now an order of court authorizing the guardian to loan $3,900, but the same is secured, and there is a record to show to whom this money belongs. In the event of the death of the guardian and the parties who had the money it would have been impossible to recover this money; but now the minors' money is secured. In this connection, then, we have actually saved and made secure to these minors the sum of $3,900. When we took this matter up with the parties named, they agreed immediately to return the money to us, but it was not our policy to have this money returned, but to see that the loans were good and that there was sufficient security, and in this, we have made good.

In the matter of Lena Tushka, a minor, we took up this sale with the county court, and although the return of sale recited that $900 would be paid for this land by the vendee, the Choctaw Lumber Co., yet we made the Choctaw Lumber Co. agree to pay $1,200, and in this connection effected a saving of $300.

In the Susan Ward matter we effected a saving of $50 by furnishing an appraisement, and in the matter of Mr. Johnson we effected a saving of $25 by furnishing appraisements and taking the matter up and adjusting it. We had the Stave Co., of Bokohoma, Okla., pay $25 for damages done on this ward's allotment, and in the matter of Adeline Christie and Nelson Christie we took up their complaint with the Choctaw Lumber Co., and besides avoiding litigation, collected the sum of $117.50.

There are other minor complaints, but on account of the multitudinous duties connected with straightening out the matters heretofore mentioned, it has been impossible to give these matters the attention that we should like, and besides they are insignificant when compared with the gigantic steals which we have finally straightened out.

In addition to that, while we have been busy with this investigation, the county judge resigned as a result thereof, and lawyers here were in doubt as to the legality of any business transacted through the county court of McCurtain County. In short, the resignation of the county judge conjoined with the investigation has practically paralyzed probate business, and in this connection it has given us an opportunity to catch up. Much work yet remains to be done, but we can safely say that we have started the good work and we believe that McCurtain County will not see a repetition of what has gone before.

* * * * * * *

APPLICATIONS FOR THE REMOVAL OF RESTRICTIONS.

We have had about 20 applications for the removal of restrictions, and so far have forwarded 7 to your office with reports, and we are waiting for take-offs from other offices before we forward the balance to your office. In connection with the handling of restricted money, we have let the contract for four houses, bought three teams of mules for Indians, several wagons, and some furniture, and delivered checks to them as the exigency of the case demanded.

LEASE COMPLAINTS.

In the matter of lease complaints affecting agricultural lands, the Indians in this district have most of their lands in the Chickasaw Nation, and we have taken up approximately 20 of these complaints and attempted through the other offices in the Chickasaw Nation to collect the back rentals due the lessors. In addition to that we have now four agricultural leases ready to forward to your department extending over a period of five years on the homestead allotment of full-blood Indians, and one or two which have been returned to this office for additional report. We have collected over $200 and delivered the same to the Indian lessors in lease money.

In the Catherine Taylor matter, we procured an agricultural lease for five years on unrestricted land at a money consideration of $200, with improvements in the way of fencing and housing, and barns, where the allottee was ready and willing to lease for $150 without improvements. In this connection we saved to the allottee $250 without figuring the improvements.

We have also made several one-year leases for Indians and have obtained more favorable terms than they could themselves, and we have given a great deal of advice to Indians and to prospective lessees on the legality of leases.

APPLICATION FOR APPROVAL OF CONVEYANCES BY FULL-BLOOD HEIRS.

In the matter of approval of conveyances by full-blood heirs, we have had one application filed which will be forwarded to your department just as soon as we can interview one of the heirs and make an appraisement. However, we have not had an appraiser, and my duties here will not permit me to devote much time to appraising. I believe that we have also two other cases on hand ready to forward to your department for action, and have interviewed the heirs, reported and taken the testimony in two other cases for other agencies.

LETTERS WRITTEN DURING THE MONTH.

In the matter of writing letters, we have written approximately 1,000 letters during the month of August relative to various matters, and we have about 70 now unanswered. The reason for this is that the work here is too voluminous and the duties which I must perform in this investigation somewhat retarded, or has retarded, a prompt answer to all letters. In addition to that we have many full-blood Indians living in this district, and every business transaction that we transact must be transacted through an interpreter, which is tedious.

INVESTIGATION.

In addition to the regular duties performed by me as district agent and in conjunction therewith I have devoted most of my time to investigating conditions in McCurtain County, and as a result of this investigation we forced County Judge T. J. Barnes to hand in his resignation. In this connection I desire to say that we were ably assisted by that fearless man, Dr. Stolper, general attorney for the department of charities and corrections of the State of Oklahoma, and I desire to say here that while I believe we could have forced Judge Barnes out of office by disbarment proceedings and criminal actions, yet we could never have procured his resignation at this time without the assistance of Dr. Stolper.

In accordance with your instructions, we have kept the State in the front in this fight, and I can truthfully say that the resignation of the county judge himself is an achievement of no small note and importance, as he has been the disturbing element in this community since statehood, and the fountainhead from which emanated the diabolical grafting of Indians that has been going on in this county in the past.

An analysis of the causes which revolutionized the moral sentiment of this county and which led to the deposing of the county judge shows that you, yourself, started the wave of reform and the investigation when you came here in person and announced that you would create a district agency of McCurtain County, and see that the individuals who had been transgressing the criminal law would be placed in the penitentiary.

When I came here I took up the work and, with the assistance of Mr. Fred S. Cook, special agent from your office, who has been identified with every move I have made, I have been able to carry on this work.

Only we on the ground will ever know what a battle has been waged in the investigating of the frauds perpetrated on the Indian in this county, and while we have suffered a strain, yet the individuals who committed crimes were suffering from the remorse of conscience and the fear of the law. We have been insulted, and Davis James, my Indian policeman, was arrested on a warrant sworn out in the county court of this country solely on account of ill feeling, and after the State courts had dismissed this case an attempt was made to interest the United States commissioner, at Hugo, Okla., to arrest Davis James and Mr. Reynolds, connected with this office. When this failed Mr. Reynolds was vilely assaulted on the streets. However, we have continued steadily in this work, and we have gathered evidence that will revoke the commissions of 22 notary publics who have commissions as notary publics in this county.

It appears that some of such notary publics have been guilty of crimes, and some of them have been in the habit of taking warranty deeds in blank and the acknowledgments of other instruments in blank and allowing them to be filled out at the will of the person who had them in possession. In addition we have 10 or 12 that we will investigate in the future, and when sufficient evidence is forthcoming we will also take steps to revoke their commissions, and I am satisfied that this action on our part will prevent the pernicious practice of taking blank deeds and the commission of other offenses by notary publics; but not only have we collected evidence relative to notary publics, but we have specialized somewhat in the collection of evidence that will show a transgression of the criminal law, of the statutes of Oklahoma, wherein land grafters are concerned, and relating to Indian matters, and as a result we will present evidence to the next grand jury.

In some of the cases we have evidence showing crimes of perjury, bribery, embezzlement, forgery, and malfeasance in office.

The collection of this evidence has meant an enormous amount of work in the nature of procuring affidavits, interviewing parties, and running down clues, and the fight which we have waged has affected two banks in this county and shook the county from boundary to boundary.

In the investigation here we have had the hearty cooperation of District Judge Hardy and the county attorney, Mr. Barrett, and I also wish to mention that Mr. McCurtain has been here some, representing the Choctaw Nation. But I desire to specially mention Dr. Stolper, of the department of charities and corrections of the State of Oklahoma, and Mr. Fred S. Cook, special agent from your department, than whom there are to be found no more able men in this kind of work. Of course, you know Mr. Cook has been here with me on the ground in most of the fight.

To summarize, then, what we have accomplished this month, we can show as follows:

County Judge T. J. Barnes, of McCurtain County, Okla., deposed, and this in spite of pressure and influence. Incidentally, I may say here that when he was deposed the king of wrong was dethroned.

Fifty-one thousand seven hundred and sixty-nine dollars and seventy-nine cents saved to Indian minors and allottees.

Title to 4,113.48 acres quitclaimed to allottees through this office, clearing the title to that many acres of land without the intervention of the slow and tedious machinery of the courts of justice.

Evidence collected sufficient to revoke the commissions of 21 notaries public.

Evidence to present to the grand jury affecting 22 persons, including many prominent people, such as judges and lawyers.

The foundation laid for the investigation of others who have transgressed the law, and also some evidence collected affecting 12 other notaries public.

One thousand letters written.

One thousand take-offs made.

A complete revolution in the moral sentiment of McCurtain County, and indirectly setting an example to the entire Mistletoe State.

The hearty cooperation of county and State officials.

And, lastly, I desire to mention the creation of the board of arbitration, which recently convened, and was composed of Dr. Stolper, Mr. Kelsey, and Mr. Humphrey, which will investigate the titles of tens of thousands of acres of land and which will save an enormous sum to the Indians and to the taxpayers of the State, and this without ill feeling.

However, I have already written my recommendations and approval relative to this board.

Respectfully,

GRATTAN G. MCVAY,
District Agent.

AUGUST 15, 1912.

Mr. James E. Gresham, special assistant to the Attorney General, under date of September 1, 1911, reported to Dana H. Kelsey, United States Indian superintendent, that "on the 7th instant a grand jury assembled here returned indictments upon 17 counts, including three charges each, against one of the prominent politicians of the county and the former clerk of the district court. With one exception, we have the cooperation of the local State officers, and now expect to get some results without having to go away from home to do it.

Your district agent for Seminole, Hughes, and Okfuskee Counties rendered valuable assistance in the preparation and presentation of these cases.

John Cordell, district agent, under date of September 8, 1911, reported to the United States Indian superintendent, Muskogee, Okla.:

The result of the work of the grand jury, as far as I am able to ascertain, is as follows:

(1) Sam Norton, of Seminole, Okla., known as "the king of grafters" among certain class of land pirates operating in Seminole County, was indicted in three cases.

(2) R. D. Milton, of Wewoka, a proficient land grafter, recently convicted in Pottawatomie County and sentenced to a term of seven years in the State penitentiary for forgery in connection with land matters, was indicted in two cases.

(3) George B. Payne, one of the grafting fraternity, formerly justice of the peace in Seminole County, was indicted in seven cases.

(4) Joe E. Lawhead, formerly district court clerk in Seminole County, now employed in the office of the clerk of the supreme court at Oklahoma City was indicted in four cases.

(5) Rheub McDonald, a laborer, used by the grafters as a tool, in my opinion, was indicted in one case.

(6) Tom Wright, a member of the grafting fraternity in good standing, now running a meat market in Wewoka, was indicted in two cases.

(7) Little George Crump, well known as a land pirate in Seminole and adjoining counties, was indicted in two cases.

This makes a total of 21 cases against 7 individuals. Crump has already been convicted of forgery in Pottawatomie and McIntosh Counties, and the cases are pending in the criminal court of appeals.

APRIL 13, 1912.

Hon. WARREN H. BROWN,
County Judge Creek County, Sapulpa, Okla.

SIR: Under your informal request of recent date we have made an investigation of probate cases Nos. 36 and 182, entitled "Estate of Bessie Clayton, a minor, B. B. Burnett, curator," and "Estate of William McKinley Clayton, a minor, B. B. Burnett, curator," respectively, and beg to report as follows:

An examination of the records of these cases fails to show the filing of inventories and appraisements of the estates of said minors, as required by section 5494 of Snyder's Laws of Oklahoma, 1909, which provides as follows:

"SEC. 5494. Inventory and account of estate of ward. Every guardian must return to the county court an inventory of the estate of his ward within three months after his appointment, and annually thereafter. When the value of the estate exceeds the sum of $20,000, semiannual returns must be made to the county court. The court may, upon application made for that purpose by any person, compel the guardian to render an account to the county court of the estate of his ward. The inventories and accounts so to be returned or rendered must be sworn to by the guardian. All the estate of the ward described in the first inventory must be appraised by appraisers appointed, sworn, and acting in the manner provided for regulating the settlement of the estate of decedents. Such inventory, with the appraisement of the property therein described must be recorded by the judge of the county court, in a proper book kept in his office for that purpose. Whenever any other property of the estate of any ward is discovered, not included in the inventory of the estate already returned, and whenever any other property has been succeeded to or acquired by any ward, or for his benefit, the like proceedings must be had for the return and appraisement thereof that are herein provided in relation to the first inventory and return." And therefore it is impossible to determine from said records whether the whole estates have been accounted for by the curator.

The larger part of the incomes of these estates appears to arise from their mineral properties, in that both are underlaid with oil. The receipts of the curator check with the data of royalties disbursed by the United States Indian superintendent for the Union Agency and the Gulf Pipe Line Co. after the leases were removed from departmental supervision. However, the items of bonuses have only been verified by the papers in the files.

The curatorship of B. B. Burnett dates from January 4, 1907, and reports to the number of five were filed on the following dates, to wit:

Bessie Clayton.

No.	Date.	Period covered.	Balance due ward.
1	Aug. 22, 1908	Jan. 4, 1907-July 1, 1908	$292.43
2	Sept. 7, 1910	July 1, 1908-July 1, 1909	9,176.32
3	....do....	July 1, 1909-July 1, 1910	19,664.78
4	Dec. 30, 1911	July 1, 1910-June 30, 1911	21,530.95
5	Feb. 17, 1912	July 1, 1911-Dec. 31, 1911	26,189.61

William McKinley Clayton.

1	Aug. 22, 1908	Jan. 4, 1907-July 1, 1908	$5,268.00
2	Sept. 7, 1910	July 1, 1908-July 1, 1909	14,132.48
3	Sept. 10, 1910	July 1, 1909-July 1, 1910	24,838.55
4	Dec. 30, 1911	July 1, 1910-June 30, 1911	23,871.16
5	Feb. 17, 1912	July 1, 1911-Dec. 31, 1911	28,810.19

It will be noted, therefore, that the curator has not filed reports, as required by the statute above mentioned. The curator has also failed to file vouchers or receipts for expenditures in the following cases, or oath certified by the judge of the fact of payment, as required by section 5388 of Snyder's Laws of Oklahoma, 1909, which provides, as follows:

"SEC. 5388. Settlement of items without vouchers: On the settlement of his account he may be allowed any item of expenditure, not exceeding $15, for which no voucher is produced, if such item be supported by his own uncontradicted oath reduced to writing and certified by the judge positive to the fact of payment, specifying when, where, and to whom it was made; but such allowances in the whole must not exceed $300 against any one estate, nor over 10 per cent of the inventory appraised value of any estate under $3,000."

Bessie Clayton.

July 1, 1910, Mollie Lowrance, care and support, July, 1910	$50.00
July 2, 1910, Henry McGraw, one-half of fee allowed by district court	250.00
Aug. 3, 1910, Mollie Lowrance, care and support for August, 1910	50.00
Sept. 1, 1910, Mollie Lowrance, care and support for September, 1910	50.00
Oct. 1, 1910, Mollie Lowrance, care and support for October, 1910	50.00

Nov. 2, 1910, Mollie Lowrance, care and support for November, 1910	$50.00
Dec. 2, 1910, Mollie Lowrance, care and support for December, 1910	50.00
Dec. 15, 1910, Brooks G. Burnett, one-half of 12 receipted bills, $257.05, expense on Snyder property	128.52
Jan. 6, 1911:	
Mollie Lowrance, care and support for January, 1911	50.00
F. & M. Bank, one-half of $159.65 to Ike Clearwater for repair work on bank and office-room building, Snyder, account fire, as per receipt	79.82
F. & M. Bank, one-half of $30.30 to Ike Clearwater for repair work on store building, Snyder, Okla., as per receipt	15.15
Jan. 7, 1911, L. B. Jackson, as per order of court to buy property, Jan. 7, 1911	700.00
Jan. 13, 1911, Mann & Jackson, balance attorney fee representing estate in all cases to date	400.00
Jan. 30, 1911, recording deeds from Creek County Investment Co. and L. B. Jackson	2.00
Feb. 1, 1911, Mollie Lowrance, care and support for February, 1911	50.00
Feb. 3, 1911, E. B. Hughes, attorney, for work in connection with agricultural lease, etc., to J. O. Hereford	10.00
Feb. 9, 1911, J. A. Boyd, one-half of $75, premium $40,000 bond, third year	37.50
Feb. 25, 1911, one-half of $3.75 for letters of guardianship paid to county court of Muskogee County	1.87
Mar. 3, 1911, Creek County Investment Co., as per order of court Jan. 7, 1911, to buy real estate	4,200.00
Mar. 6, 1911:	
J. D. Pridgen, one-half of bill for repairing roof on store building, Snyder, Okla	1.00
Cameron Lumber Co., one-half of lumber bill for floor for storeroom building, Snyder, Okla., $98.50	49.25
J. C. Brown, agent, one-half of bill for insurance on bank and office-room building, Snyder, Okla., $50.06	25.03
Mar. 11, 1911, Mollie Lowrance, care and support, March, 1911	62.50
Apr. 1, 1911, Mollie Lowrance, care and support for April, 1911	62.50
May 1, 1911, Mollie Lowrance, care and support for May, 1911	62.50
June 1, 1911, Mollie Lowrance, care and support for June, 1911	62.50
June 9, 1911:	
R. D. Guest, agent, one-half of bill for repair work on bank and office building, Snyder, Okla., as per receipted bills, $35.10	17.55
Ike Clearwater, for repairs on building, Snyder, Okla., see receipts, $58.90	29.25
Paid John L. Brady, treasurer Creek County, tax allotment of Bessie Clayton, as per receipt—	
1909	54.44
1910	37.05
Allotment of Della Jacobs, deceased, one-half tax—	
1909, $32.95	16.47
1910, $23.40	11.70
Allotment Ernest Clayton, deceased, one-half tax—	
1909, $171.86	85.93
1910, $282.40	141.20
Total	6,943.73

William McKinley Clayton.

July 1, 1910, Mollie Lowrance, care and support, July, 1910	$50.00
July 2, 1910, Henry McGraw, one-half of fee allowed by district court	250.00
Aug. 3, 1910, Mollie Lowrance, care and support, August, 1910	50.00
Sept. 1, 1910, Mollie Lowrance, care and support, September, 1910	50.00
Oct. 1, 1910, Mollie Lowrance, care and support, October, 1910	50.00
Nov. 2, 1910, Mollie Lowrance, care and support, November, 1910	50.00
Dec. 2, 1910, Mollie Lowrance, care and support, December, 1910	50.00
Dec. 15, 1910, Brooks G. Burnett, agent, one-half of 12 receipted bills, $257.05, for expense on Snyder (Okla.) property	128.53
Jan. 6, 1911:	
Mollie Lowrance, care and support, January, 1911	50.00
F. & M. Bank, one-half of $159.65 to Ike Clearwater for work on bank and office-room building, Snyder, Okla	79.83
Jan. 7, 1911, L. B. Jackson, as per order of court Jan. 7, 1911, to buy property	700.00
Jan. 13, 1911, Mann & Jackson, balance attorney fees for representing estate to date in all cases	400.00
Jan. 30, 1911, recording deed from L. B. Jackson	1.00
Feb. 1, 1911, Mollie Lowrance, care and support, February, 1911	50.00
Feb. 9, 1911, J. A. Boyd, agent, one-half of $75 premium for $40,000 bond, third year	37.50
Feb. 25, 1911, one-half of $3.75 for letters of guardianship, paid to county court, Muskogee County	1.88
Mar. 1, 1911, Creek County Investment Co., as per court order Jan. 7, 1911, to buy property	7,200.00
Mar. 6, 1911:	
J. D. Pridgen, one-half of repair bill for repairing roof on storeroom building, Snyder, Okla., as per receipted bill	1.00
Cameron Lumber Co., one-half of bill for $98.50, lumber for floor for store buildings, Snyder, Okla., as per receipted bill	49.25
J. C. Brown, one-half of bill for insurance, bank, and office-room building, Snyder, Okla., as per receipted bill, $50.06	25.03
Mar. 11, 1911, Mollie Lowrance, care and support, March, 1911	62.50
Apr. 1, 1911, Mollie Lowrance, care and support, April, 1911	62.50
May 1, 1911, Mollie Lowrance, care and support, May, 1911	62.50
June 1, 1911, Mollie Lowrance, care and support, June, 1911	62.50
June 9, 1911:	
R. D. Guest, one-half of receipted bills for repair work on bank and office-room building, Snyder, Okla., per receipted bills, $35.10	$17.55
Ike Clearwater, one-half of receipted bill for repair work on bank and office building, Snyder, Okla., as per receipted bills, $58.50, one-half	29.25
Paid Jno. L. Bardy, county treasurer Creek County, allotment of ward for—	
1909	135.28
1910	285.22
Taxes, allotment Ernest Clayton, deceased—	
1909, $171.86, one-half	85.93
1910, $282.40, one-half	141.20
Taxes, allotment Della Jacobs, deceased—	
1909, $32.95, one-half	16.48
1910, $23.40, one-half	11.70
Total	10.246.63

The records in these cases further show the filing of several petitions for the removal of the curator on grounds of mismanagement and fraud, among them the profiting in a lease on lands of Ernest Clayton, deceased, to the Indiahoma Oil Co. However, without considering these allegations, the records of the office of the United States Indian superintendent show the transfer of that portion of said lease covering the southwest quarter of the southwest quarter of section 4, township 17 north, range 12 east, on the 3d day of July, 1907, to the Thompson Oil Co., alleged originally to have been composed of Rufus B. Thompson, attorney for the curator and of the law firm of Thompson & Smith; Birch C. Burnett, brother of the curator; and Minnie Egan, which, of itself, indirectly interests the curator and so taints the original transaction that no fair-minded person could be acquainted with the fact without being impressed with the idea of fraud.

Notwithstanding the fact that large sums have come into the hands of this curator, investment has been made of less than 50 per cent of the same, and said moneys have been allowed to lie idle except as hereinafter set out. The curator alleges that said funds were deposited in the Farmers & Merchants' State Bank, of Sapulpa, and offered to furnish pass books showing the dates of the deposits. However, after being given full opportunity, such pass books were not exhibited, as promised, and it is reasonable to assume that said funds were not placed to the credit of these minors, but have been handled by the curator as his own.

The first investment was made under order of June 15, 1908, to secure stock in the Sapulpa Hotel Co. to the amount of $7,500. To the best of our information said curator was president of said hotel company, which was organized for the purpose of booming the town of Sapulpa and was not considered to be a successful proposition from a business standpoint. It is significant to observe that all the proceedings with reference to this purchase were had on the one day above set out. The appraisers report the assets to be the building and lot, valued at $85,000; the liabilities, one mortgage of $39,000, another of $14,500; and the capital stock of $25,000. They further allege that said premises have been leased for 10 years at $6,500 per annum, and on this basis come to the conclusion that the stock has a market value of 100 per cent. By what process of reasoning or mathematics such conclusion was reached is not known to us. However, from a practical standpoint, it would seem that the interest on the loans would be about $4,280, leaving a balance of $2,220 from the rents, and that such remaining sum would probably be consumed to a considerable extent by the payment for repairs, insurance, and taxes. Considering that $75,000 would be a large price for the building, it will only be a question of a comparatively short time when the capital stock has practically no value. From reliable information it has been shown that our conclusions as to the value of this investment were shared by the public generally at Sapulpa, who looked upon said enterprise as one of public benefit, without hope or promise of return from any funds invested therein except in the cases as to the money of various minors placed therein under glowing appraisements made by a few public-spirited citizens.

Under this purchase, $1,500 of which was expended for Bessie Clayton and $6,000 for William McKinley Clayton, no vouchers have been filed showing payment of purchase price or any evidence as to the amount of stock purchased or from whom.

Under order of court purchase was made of lot 8, block 79, and lots 13 and 14, block 80, of the town of Snyder, Okla., from John Dermott, on May 23, 1908. The consideration was $25,000, which was borne equally by the two minor grantees. These lots contain business property, the first being a one-story rock structure about 25 feet wide and 100 feet deep, the second a two-story brick building 50 by 80 feet, without a basement, the lower floor being used for a drug store and bank, the upper by the telephone exchange, lodge room, and several attorneys.

The next investments were those involving the purchase of property in the Burnett addition to the town of Sapulpa, as follows:

Lots 13–24, inclusive, block 12, Burnett addition: Bates B. Burnett to Creek County Investment Co., a corporation, executed October 15, 1910, filed January 30, 1911; Creek County Investment Co. to Bessie Clayton, consideration $4,200, executed January 6, 1911, filed for record January 30, 1911, taxes due, with penalty, for 1909 $26.79, for 1910 $16.32.

Lots 17 and 18, block 14, Burnett addition: Bates B. Burnett to L. B. Jackson and Josiah G. Davis, executed March 2, 1909, recorded March 2, 1909; Josiah G. Davis to L. B. Jackson, executed November 28, 1910, recorded November 28, 1910; L. B. Jackson to Bessie Clayton, consideration $700, executed December 7, 1910, recorded January 30, 1911.

Block 13, Burnett addition: Bates B. Burnett to Creek County Investment Co., a corporation, executed October 15, 1910, recorded January 30, 1911; Creek County Investment Co. to William McKinley Clayton, consideration $7,200, executed January 6, 1911, recorded May 18, 1911, taxes due, with penalty, for 1909 $53.59, for 1910 $32.64.

Lots 15 and 16, block 14, Burnett addition: Bates B. Burnett to L. B. Jackson and Josiah G. Davis, executed March 2, 1909, recorded March 2, 1909; Josiah G. Davis to L. B. Jackson, executed November 28, 1909, recorded November 28, 1909; L. B. Jackson to William McKinley Clayton, consideration $700, executed December 7, 1910, recorded January 30, 1911.

It will be perceived from the above record of conveyances that in two instances the immediate grantor was the Creek County Investment Co., of which Birch C. Burnett, brother of the curator, is president, C. W. Wills, assistant cashier of the Farmers and Merchants Bank, is secretary, and in which the curator himself is a stockholder. These properties lie on the eastern outskirts of Sapulpa, are unimproved, with the exception of some sidewalk, and are in the immediate vicinity of

a graveyard, which drains on a portion thereof, and from a fair and impartial estimate of the values at the respective times of purchase could not have been worth more than half of the consideration paid; and said values have not since increased but rather have diminished.

Aside from the question of the curator being interested in the sale of the land to the ward, the back taxes due on the property, the exorbitant price paid, and the illegality of the transactions by reason of same having been made before a county judge related to said curator by affinity within the degree prohibited by statute (to be hereafter discussed), the land constitutes a portion of the allotment of Lonie Tiger, deceased, and the title thereto is now and has been clouded by litigation.

As above mentioned, the legality of the purchases of the property is seriously questioned by reason of the fact that Josiah G. Davis, county judge, who ordered and confirmed the same, was the brother-in-law of the curator, Bates B. Burnett. This question was recently passed upon in the county court of Muskogee County in the matter of the curatorship of Edith Durant, a minor, Bates B. Burnett, curator, No. 1412, the conclusion of the court being as follows:

"It is therefore my opinion that the actions of Judge Josiah G. Davis herein, as judge of the county court of Creek County, Okla., in the matter of the curatorship of Edith Durant, a minor, while sections 5139 and 1984 were in effect, by reason of the relationship existing between Davis and Burnett, who was a party interested in such proceeding, are void."

The purchases affected by such decision are set out as follows:

Bessie Clayton.

Sapulpa Hotel stock	$1,500
Lots 13–24, block 12	4,200
Lots 17 and 18, block 14	700
Property in Snyder, Okla	12,500
Total	18,900

William McKinley Clayton.

Sapulpa Hotel Co	$6,000
Block 13	7,200
Lots 15 and 16, block 14	700
Property in Snyder, Okla	12,500
Total	26,400

We believe for the reasons before set out that these sales are invalid and that the minors have no title thereto, and it accordingly becomes your duty to reconsider same on the merits with a view to repurchasing the property if the facts in the case so justify. As to the Snyder property, to our best information the same was not worth over $18,000 at the time of the purchase. Nevertheless, the income has been sufficient, the town is growing, and in time there is a good possibility of the attempted purchase becoming a fair investment, and we accordingly recommend that this purchase be ratified by you in appropriate proceedings. As to the remainder of the sales, we recommend that because of the inadequacy of consideration, the interest of the guardian in the property and the clouded title to the land, that same be not ratified, but that the guardian be required to account for the money paid therefor.

The records further show that large amounts of money have come into the hands of the curator, and that, in comparison to the income, the amount necessary for the maintenance and education is modest, to wit, $750 each per annum; therefore at this time there is a reported balance in cash due Bessie Clayton of $26,189.61 and William McKinley Clayton of $28,810.19. These funds, as heretofore mentioned, have evidently been handled by the curator without sanction of the court and without interest, except that he has credited said wards, or rather charged himself, with 6 per cent interest on the yearly balances. This generous dealing with himself can not be passed by without exception by us for the reason that in this community there is no money loaned at less than 8 per cent, and then with good and sufficient security, which Burnett has not attempted to furnish. Nor does simply the charge of 8 per cent interest on the yearly balances show a proper accounting to the wards, and we have accordingly had the daily balances which have come into the curator's hands computed by an expert accountant and charged the sum of 3 per cent interest thereon, which, to the best of our information, is the prevailing rate. The increase in interest, computed as aforesaid, is as follows:

	Bessie.	William McKinley.
On yearly balances, including accrued interest on daily balances	$914.15	$1,207.62
Interest on daily balances	744.32	1,280.45
Total	1,658.47	2,488.07

In discussing the use of the funds of these wards and the large amount of cash on hand, it seems proper at this time to point out to you the failure of the curator to pay taxes and to the incurring, without any justification whatsoever, of the prescribed penalty, which latter item should be charged against him.

Bessie Clayton.

	Taxes.	Penalty.
TAXES UNPAID.		
On allotment, 1911	$108.72	
Penalty		$5.43
Lots 13-24, block 12, 1911	112.32	
Penalty		5.61
Lots 17 and 18, block 14, 1911	22.40	
Penalty		1.12

Due Bessie Clayton from curator.

Taxes, lots 13 and 14, 1909	$26.79
Taxes, lots 13 and 14, 1910	16.32
Penalty on allotment taxes, 1911	5.43
Penalty on lots 13–24, 1911	5.61
Penalty on lots 17 and 18, 1911	1.12
Total	55.27

William McKinley Clayton.

	Taxes.	Penalty.
TAXES UNPAID.		
On allotment, 1911	$138.82	
Penalty		$6.94
Block 13, for 1911	267.20	
Penalty		13.12
Lots 15 and 16, block 14, 1911	22.40	
Penalty		1.12

Due William McKinley Clayton from curator.

Taxes, block 13, 1909	$53.59
Taxes, block 13, 1910	32.64
Penalty on allotment taxes, 1911	6.94
Penalty, block 13, 1911	13.12
Penalty, lots 15 and 16, 1911	1.12
Total	107.41

Other than the taxes above referred to, since 1908 no taxes have been paid on the personalty of said wards. These taxes, which are below set out, are being resisted by the curator, in legal proceedings, on the ground that they are excessive, because they are based on the assessment of the town of Sapulpa, whereas said minors do not reside within the corporate limits of said town, and the taxes of their residence are considerably lower. This contention by the curator appears to be meritorious, provided, however, that the expenses of the litigation will not exceed the difference in the amount of taxes.

Personal taxes, Bessie Clayton.

1908	$357.76
1909	191.00
1910	35.55
Tax ferret, 1910	560.34
Taxes, 1911	730.07
Total	1,874.72

Personal taxes, William McKinley Clayton.

1908	$359.78
1909	181.45
1910	337.72
Tax ferret, 1910	430.65
Taxes, 1911	983.55
Total	2,293.15

Thus it seems that the curator is liable to the said wards for funds which he has not accounted for, as follows:

Bessie Clayton.

Void purchases	$18,900.00
Taxes and penalties	55.27
Interest	1,658.47
No. vouchers	6,943.73
Total	27,557.47

William McKinley Clayton.

Void purchases	$26,400.00
Taxes and penalties	107.41
Interest	2,488.07
No. vouchers	10,246.63
Total	39,242.11

These amounts, together with those on hand, as shown by the fifth and last report, bring the total of liability to these wards to the sum of $121,799.38, whereas said curator has two bonds, one for $40,000, by the Southern Surety Co., and the other for $, with the following sureties: B. C. Burnett, C. W. Turner, and C. W. Wills, who, to the best of our information, are not of sufficient financial responsibility to render any protection to the interests of these wards. It therefore seems that said curator should, as a preliminary step, be called upon for an additional bond in the sum of $85,000 with some reputable surety company.

Summing up, exceptions are taken to the curatorship for the following reasons:

1. Failure to file inventories and appraisements.
2. Failure to make reports when due.
3. Profiting on lease to Indiahoma Oil Co.
4. Use of minors' funds.
5. Failure to invest funds.
6. Purchase of worthless stock. (Sapulpa Hotel Co.)
7. Interest on sale of stock. (Sapulpa Hotel Co.)
8. Failure to properly report purchase of stock.
9. Purchase of realty at exorbitant prices.
10. Purchase of doubtful titles and encumbered property.
11. Interest on sale of realty. (Burnett addition.)
12. Invalidity of sales of realty by reason of relationship of county judge.
13. Failure to account for proper interest on funds.
14. Failure to pay taxes.
15. Insufficient bond.
16. Administration of curatorship generally for benefit of himself and not wards.

It will be noted the curator has not made a charge for his services in the administration of these estates. It is possible that he considered such compensation was had in handling the money, under the low rate of interest charged against himself, therefore, inasmuch as we have incorporated a proper rate of interest, it leaves him without any compensation whatsoever. However, in view of the gross mismanagement of these estates, as hereinbefore detailed, we contend that said curator is not entitled to any compensation, but this rests entirely in your discretion, for the reason that the estates of said minors have suffered great loss through his administration. Authority for this contention is found in the following cases: Scheib *v.* Thompson (23 Utah, 564; 65 Pac. Rep., 499); Guardianship of Kalu (17 Haw., 517–519); and Guardianship of Hoare (14 Haw., 443–448).

It is therefore earnestly recommended that Bates B. Burnett, curator, be removed and be required to render a final accounting on the basis hereinabove set out.

It is further recommended that suit be instituted for the cancellation of the lease to the Indiahoma Oil Co. and for the recovery of adequate bonus thereunder.

Respectfully,

CHARLES F. BLISS,
Supervising District Agent.
DIXON H. BYNUM,
Probate Attorney.

JULY 27, 1912.

Mr. DANA H. KELSEY,
United States Indian Superintendent,
Muskogee, Okla.

SIR: In the matter of the arrest and indictment of T. E. Wyly, of Adair County, who has been pernicious in clouding the titles to allotments of full-blood Indians and other allottees, I beg to advise that in the June term of the United States court at McAlester, Mr. Wyly, according to his agreement with myself, plead guilty to the fraudulent use of the mails, and was fined $500. We allowed him to do this only with the understanding that he would make us a free and complete statement of his dealings with other people in connection with the forging of deeds and other instruments affecting the allotments of Cherokee citizens, which he did, and I am inclosing you herewith a copy of his statement to me concerning the operations of himself and others. I also have, in addition to this statement, contract signed by certain lawyers in Adair County and an affidavit of another party associated with him in the forgery of certain deeds on the surplus lands of Cherokee citizens.

Wyly's arrest and plea of guilty has materially assisted us in quieting the title to several pieces of land in the Cherokee Nation and also has stopped the practice of his associates in these matters, with the exception of one or two, who are still carrying on their fraudulent schemes, but we hope to be able to secure enough evidence for their indictment and conviction in the very near future.

Respectfully,

FRED S. COOK, *Special District Agent.*

Mr. McCALL. If the gentleman will permit me there, I have a telegram from ex-Gov. Long, of Massachusetts, who used to be a Member of this House, and who was also a member of President McKinley's Cabinet, a practical statesman, in which he says:

Appropriation for Oklahoma district agents in Indian appropriation bill now in conference is of vital importance to safeguard the Indians.

He is at the head of an Indian citizenship association.

Mr. STEPHENS of Texas. Mr. Speaker, I yield three minutes to the gentleman from Oklahoma [Mr. DAVENPORT].

Mr. DAVENPORT. Mr. Speaker, when this bill was originally before the House every provision in it was thoroughly discussed. I do not care to refer to a single statement made at that time, but I want to say that since the bill passed the House every power known to human ingenuity has been brought to bear by the Interior Department to retain this appropriation. Within the last 48 hours the Secretary of the Interior has been sending a telegram to Judge Leahy, Muskogee, Okla., and received a reply, and inside of an hour after the answer was received he was delivering copies to myself and other Members interested in this bill.

You can not get from the department a statement of the amount of money that they are spending or did spend belonging to the Indians last year. They will not tell you that when they sell a piece of land they take every dollar of the expense out of it. I will give you one instance where they sold a piece of land for $200, belonging to Jim Daly, of Bartlesville, Okla., and took $36 from the $200 to pay the expenses of the sale and advertising.

Another instance of the glorious way in which these district agents take care of these Indians is in the case of Jackson Barnett, a Creek Indian, who gave a lease for 160 acres for $40 bonus. When the lease reached the Union Agency at Muskogee they thought that the $40 was too small, and required the lessee to pay $200 additional, making $240, and recommended the approval of the lease for a bonus of $240. It was discovered that Jackson Barnett was a weak-minded Indian, not competent to make a lease. A guardian was appointed in the probate court, Judge Johns presiding, and that lease sold for $2,400 bonus. When I was at home a few weeks ago I was present in Judge Johns's court, where the district agent, Mr. Farrar, representing Barnett, claiming his right as an agent of the Government, appeared and offered a motion to set aside the proceeding, and insisted that the first lease for $240 bonus should be approved and that Jackson Barnett should lose $2,160. That is the way the district agents are proceeding. They tell you all the good they do, but they do not tell you what else they do.

I could give you instance after instance of this kind. The cause of all this is just like the message read by the gentleman from Massachusetts a few minutes ago. They are being gotten up by men who know nothing of the actual conditions down there.

Mr. McCALL. Will the gentleman yield?

Mr. DAVENPORT. Yes.

Mr. McCALL. The gentleman who sent the telegram that I read a few moments ago is ex-Gov. John D. Long, who used to be a Member of this House, has been Secretary of the Navy, and who knows public questions as well as any man in the House, and he has always been a friend of these Indians.

Mr. DAVENPORT. In reply to the gentleman from Massachusetts I want to say that the Secretary of the Navy knows as much about Indian affairs, although he is a gentleman of culture and a man of integrity, as I know about conditions in South Africa. I do not question Gov. Long's integrity, but I question his knowledge of Indian matters in Oklahoma.

Mr. CAMPBELL. How many speeches will the gentleman from Texas have on his side?

Mr. STEPHENS of Texas. Quite a number.

Mr. CAMPBELL. We will conclude with one.

Mr. STEPHENS of Texas. I yield to the gentleman from Oklahoma [Mr. FERRIS] 10 minutes.

Mr. FERRIS. Mr. Speaker, the question under consideration involves whether or not the Federal Government shall pay $100,000 to perpetuate what is known as the district agents longer in Oklahoma. The history of that legislation can be stated in a word. Vice President SHERMAN, then chairman of the Committee on Indian Affairs, said at the time this item first went into the bill that we would probably need agents there perhaps one or two years. They went in there as a temporary matter, while we were emerging from a Territory into a State. They have now been there five years, and now the State is well furnished with officers. The Indians hold the elective offices right by the side of the whites. The governor of the State is an Indian citizen, the lieutenant governor is an Indian citizen, the president of our constitutional convention was an Indian citizen, and the present speaker of the legislature is an Indian. The Indians hold more offices than they are entitled to hold, according to the pro rata or percentage of population between the Indians and the whites. Here comes a strong protest, inculcated, steeped out, brought about by the very men who desire to perpetuate themselves. Here they are spending the Indians' money, spending the money of the Federal Government sending telegrams, journeying to Washington, roasting in the galleries, conjuring up figures to prove they should hold on forever, digging up scandal, befouling their own nest, trying to injure the State, all because they desire to perpetuate themselves, and the gentleman from Massachusetts [Mr. McCALL], who has for a long time been a trusted, tried, and intelligent Member of this House, comes here with a wild telegram from some man who probably has not been within 2,500 miles of Oklahoma within the last 10 years. He, in all probability, never stepped foot in Oklahoma. He probably saw an Indian in a show some time ago, when he was a boy. What could a man living in Boston, Mass., know about the necessity or lack of necessity of officers in our State, and what could the gentleman from Boston expect this House to assume from a wild telegram sent in here directing this House what to do? I suggest to him that within the last 4 weeks I have presented this matter in 71 speeches in my district, in the State of Oklahoma, and the sole protest from every Indian and every white with whom I conversed, and it was not a few, was, "When, O Lord," are you going to let us loose and have our money and our property and choke off these Federal carpetbaggers and chair warmers? The gentleman goes ahead and answers us with a telegram from Boston. Boston is just about as far away from Oklahoma as one could reside and still live in the United States.

What under heaven can Boston know about the administration of Indian affairs in our State? They do not know any more about it than a prairie dog knows about the solar system, and it is both impudent and imprudent, out of order, and ridiculous for a private citizen residing in Boston to come in here and try to suggest to this House what we should do in our State on some matter purely local. But to the end that I make no mistake, and to the end that this House makes no mistake, I call attention to the fact that we have appropriated more in this Indian appropriation bill for salaries and administration, twice over, than they should have. You will observe the money they fight for is for salaries. If you want to throw money away, give it to the Indians, not to useless chair-warming employees. What are the facts? Look on page 39 of the Indian appropriation bill and you will find $174,000 there appropriated for employees, which is already agreed to and is sure to remain in the bill. Observe the appropriation, being from line 6 to line 13. Again take up your bill and look at page 9, and you will find $200,000 appropriated for Indian police, a field service without limitation or restraint. To the end that you be not mistaken, read from line 17 to line 22. Again I ask you to take up the Indian appropriation bill and read from page 10, lines 1 to 10, and you will observe where there is $125,000 appropriated for special district agents; also observe there is no limitation or restraint. All or any part of it can be used in Oklahoma, a thing I deplore. The total of that amount, the $499,000, is free

from restraint. They can spend it all for district agents if they elect so to do—every penny if they want to. One hundred and twenty-five thousand dollars can all be expended for district agents, and in Oklahoma, if they desire—every cent of it if they want to—and the $200,000 for Indian police. And I very well remember the colloquy I had, when the bill went through the House, with the distinguished gentleman from Illinois [Mr. CANNON], and I well remember when he said, "When are we going to be able to turn Oklahoma loose?" I am proud to answer him that if we had our way it would be to-day as distinguished from to-morrow. I would like to see the Five Tribe matters closed with the close of this day. No news could or would be so sweet to the Indians of the Five Civilized Tribes as to know they were settled.

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

Mr. FERRIS. I have not the time.

Mr. CAMPBELL. I was just wondering if the $300,000 that the Federal Treasury appropriated for your schools——

Mr. FERRIS. Mr. Speaker, I can not let the gentleman interrupt my remarks. I have only a few moments. I would be glad to debate that question with him if I had the time. One hundred and seventy-four thousand dollars is for Oklahoma alone, no part of it to be expended any place else, not even in other parts of Oklahoma, but in the Five Civilized Tribes part of the State, right where they try to hang on to these agents. Oklahoma has more than one-third of all of the Indians in the United States. Therefore I assume that they will expend one-third of $200,000 for Indian police in our State, which is approximately $66,000, this item being already agreed to. Oklahoma has one-third of all the Indians, and more, in the United States. I therefore assume they will expend one-third of the $125,000 for special district agents in Oklahoma. One hundred and seventy-four thousand dollars plus $66,000 plus $41,000 makes $282,332. Divide that by $2,000, which is $200 more per annum than you propose to pay your district agents, and that makes 141 men to administer the affairs of the Five Civilized Tribes in our State. One hundred and forty-one men to administer the affairs of the Five Civilized Tribes in our State, in conjunction with our State government, is fully twice too many. Still this bill carries an appropriation for 141 men at $2,000 a year, and because we have sought to cut down and economize the funds of the Indians and the funds of the Government we are met by the Interior Department representatives here in ecstacy, with exuberance, and excitement. They have induced the gentleman from South Dakota to go into hysterics, and a certain Senator at the other end of the Capitol to do the same, in their keen desire to defend and to protect and to keep in office every man who ever sat there as a chair warmer in our State. For 15 long years each year they have promised that this will be the last year that they would send carpetbaggers they do not want or need in there to inflict supervision over the Indians.

This year the chairman of the committee, my colleague Mr. CARTER, myself, supported by the Democratic members of the committee, and some of the Republicans, supported by an overwhelming majority of this House on the Democratic side and some of the Republicans, are thinking and assuming that the bill now carries too much and that it could be cut more. Also confidently believing that the 141 fellows at $2,000 a year were enough to annoy by petty and blighting supervision over the Indian people. I tell you, sirs, the Indians do not want such detailed supervision. It has the opposite effect from the one intended. It retards, it does not improve. It stifles and weakens, it does not encourage and strengthen. It does not move Indian matters to a final conclusion, it complicates and confuses. Surely it is intended and hoped for by us all that the Indian problem will some time terminate. It will not be accomplished by a total withholding of his funds, by a total withholding of his lands, by a total refusal to grant him the very most elemental task. I charge no bad faith on the part of anyone. It is merely a disposition to hang on forever to a job that ought to have been abolished years ago. Remove some of the surfeited and overabundance of supervision and let the Indian stand partially on his own pegs. His money and lands are all tied up. There is no way he can spend it or sell it. Federal restrictions are on tight as a drum. Why, my friends, I have seven counties in the Five Civilized Tribes. When I go around in my campaign the leading citizens in those counties are Indian citizens. The men who serve on the reception committees who meet me and other public men are Indian citizens. CHARLEY CARTER, Senator OWEN, can not expend their own money to-day. It is tied up tight. What a pathetic sight that is. The governor of our State can not expend his money, but they send some little pipestem whippersnapper down from Washington, New York, or Kansas and they are to supervise, to nose around the affairs of a people who know more than they do. Why, the speaker of our lower house of the local legislature is a full-blood Indian. Then, when we come to seek to save $100,000 for the Federal Treasury, when we seek to get rid of a service that prevails nowhere else, a service we do not want, and the Indians do not want, here comes a storm of protest and some telegram from Boston telling us what we need and must have in Oklahoma.

Why, I visited Boston this year; it is one of the most beautiful cities in the world, and yet you would not expect her to be an expert on Indian matters, would you? I do not presume that 1 per cent of the population of the city of Boston ever stepped foot in Oklahoma; I do not presume that a half per cent of the citizens of Boston ever shook hands with an Indian; I do not presume that 10 per cent of them ever crossed the Mississippi River, yet they are sending telegrams telling Congress what to do about Oklahoma employees and against the combined judgment of Democrats and Republicans, Indians and whites, and the bulk of all our people who know the facts and do not desire to hold the jobs. I tell you, sirs, we have left enough money in this bill for employees. In my judgment too much. You can have 141 people and pay them $2,000 a year. One-half of them ought to be fired to-day, not to-morrow, and here comes my good friend, and I say it with all kindness and all earnestness, from South Dakota [Mr. BURKE], and he is urging the retention of these Interior Department employees. I have nothing against them personally—not one of them. My friend from South Dakota [Mr. BURKE] is so sympathetic in disposition that he has gone wild and gone mad in order to save those employees their positions until after the next election. My friends, we will give all the 141, at $2,000 per year, a passport from our State, and we will send them back to you, if they must have appointments. They hail from your country, from States where Indian jobs are scarce. Now let me tell you a story, which will quite well illustrate. How much time have I remaining, Mr. Speaker?

The SPEAKER. The gentleman's time is up.

Mr. STEPHENS of Texas. Will the gentleman from Kansas use some of his time?

Mr. CAMPBELL. I stated to the gentleman from Texas that we would conclude with one speech. I would like to have the privilege of yielding one minute now to the gentleman from Massachusetts [Mr. MCCALL] with the consent of the gentleman from Texas.

Mr. STEPHENS of Texas. Certainly.

Mr. CAMPBELL. I yield one minute to the gentleman from Massachusetts [Mr. MCCALL].

Mr. MCCALL. Mr. Speaker, the gentleman from Oklahoma [Mr. FERRIS] has shown a great deal of righteous indignation because somebody in Boston has sent a telegram evincing an interest in the Indian and because the gentleman from Kansas [Mr. CAMPBELL] also has shown an interest in these people. It seems that it is hardly proper for people not so fortunate as to live in Oklahoma to manifest interest in those Indians. I think it hardly necessary for me seriously to discuss the reference to ex-Gov. Long. If there is a practical statesman in America, one who has proven himself such by the manner in which he has dealt with great public questions, it is John D. Long. He was long a Member of the House of Representatives, and he here showed great interest in the Indian, and he was also a member of the Cabinet of President McKinley. I think outsiders, people in Boston, if you will, can judge about as well of the rights of the Indians and what is best to protect them as those people who are dealing with them and who have the personal interest to get possession of their property. I do not say the people of Oklahoma are worse than the people of other States, but we know what history shows there and in other parts of the country. I believe this House will make a grave mistake in striking down this humane guardianship that has been established under the laws of the United States and turn the Indians over to the tender mercies of people in Oklahoma who desire to relieve them of what possessions they have left. If we ever have the duty to protect the weak against the strong, we have it to-day in the case of those helpless people.

The SPEAKER. The time of the gentleman has expired.

Mr. DAVENPORT. May I ask the gentleman a question before he takes his seat?

Mr. MCCALL. My time has expired.

Mr. DAVENPORT. Upon what hypothesis does the gentleman base the statement that the people of Oklahoma desire to deprive Indians of their property?

Mr. MCCALL. That will be answered by the gentleman from Kansas.

Mr. DAVENPORT. I would like for the gentleman from Kansas to yield for the gentleman to answer it.

Mr. MCCALL. The gentleman from Kansas is going to answer it.

Mr. CAMPBELL. Mr. Speaker, I shall not let an opportunity pass when I can protest against exploiting the American Indian. I am not afraid of the word "carpetbagger." I do not fear the call on State's rights. I shall not permit any such departure from the real question to conceal a purpose to leave the Indian exposed to the greed and rapacity of the white man.

The gentleman from Oklahoma [Mr. FERRIS] worked himself into a fury denouncing the Federal Government for exercising a guardianship over the American Indian in Oklahoma, without touching the questions involved in the motion to restore these 16 agents. He went at great length into the question of spending money in Oklahoma out of the Federal Treasury for sending men from Kansas, or New York, or other States down there to assist in administering the affairs of the Indians, and protested against the $100,000 it would take to maintain these agencies, but did not say a word of protest about appropriating $30,000 for constructing a sewer for a city in that State; he did not say a word about the $300,000 that is in this bill for the maintenance of the public schools of the State of Oklahoma, a proposition that is in this bill without any authority whatever, except that there was a majority of the conferees who were in favor of it. As well appropriate $300,000 or any other amount for mantaining schools in the State of Iowa, or in the State of Kansas, or in any other State of the Union. Yet he and his colleagues do not protest against the Indians being exploited by people who have gone there from all parts of the country. The trouble about it is that Oklahoma was well taken care of in the make-up of the Committee on Indian Affairs. Three gentlemen from that State are on that committee, and they are not all there to guard the interests of the Indians, but to provide for the white man, who is in the majority and controls the vote in that State. The peroration that will be delivered by the gentleman from Oklahoma [Mr. CARTER] later on will not be in answer to the charge that helpless Indians are being robbed out of their property by white men in the State of Oklahoma and that the State authorities are refusing the protection that is necessary for these Indians. Let me call your attention to a case: A short time ago an Indian girl 13 years of age, who could not speak a word of English, was the possessor of 600 acres of good land.

Mr. DAVENPORT. I would like the gentleman to give the name of the Indian girl.

Mr. CAMPBELL. I will give you the name of the girl. She is Emma Seply. She had 600 acres of land, and, as I say, could not speak a word of English. She was forced into a marriage, by those who were conspiring to rob her, with a man who deeded away with her that 600 acres of land for $15.

Mr. BUTLER. How much?

Mr. CAMPBELL. Fifteen dollars. She got $5 and he got $10.

Mr. BUTLER. An acre?

Mr. CAMPBELL. No; not an acre. Fifteen dollars for the 600 acres. And that is the kind of frauds that are being perpetrated down in that country constantly upon these helpless Indians.

Another case is that of a poor woman, sick unto death, who was persuaded to deed away her property. She recovered, and it was only through the aid of these agents that she got her property back. There is no crime that has not been committed in furthering the robbery of helpless Indians and Indian children. Actual murder has been committed in the district of the gentleman from Oklahoma [Mr. DAVENPORT] to get the property of helpless Indian children.

Mr. DAVENPORT. I would like to ask the gentleman if the State authorities did not convict the murderers?

Mr. CAMPBELL. After they were forced to do so. The prosecuting attorney had neglected or refused for weeks to bring the prosecution. The record here is full of cases, and I do not speak alone from the record or from hearsay. I do not come here without information, as was charged against Gov. Long, who sent a telegram from Massachusetts. I have been in Oklahoma. I have talked with the Indians. The gentleman may have had committees receiving him who cared nothing about how they are exploited, but I have talked with Indians in Oklahoma who want these agents to protect them from the rapacity of the white man and the half Indians, and the less than half Indians, who are robbing them of their property.

I can see the day when the State of Oklahoma will be populated with the remnant of the American Indians—as paupers. Then gentlemen from Oklahoma will appeal to the Federal Government to take care of those helpless Indians after the gentlemen from Oklahoma have made it possible for those Indians to be robbed of an estate that is worth millions, that is ample for their care if not taken from them. They will become a charge, not upon the State of Oklahoma, but upon the Federal Treasury. You, at least, expect that. You have $300,000 in this bill for the maintenance of your public schools upon the theory that some Indian children attend them, I assume. I assume that that is why it was put in this bill.

Mr. CARTER. The gentleman does not want his question answered.

Mr. CAMPBELL. If that is not the reason for it, then there is no reason under the sun for it.

I have, as I say, been down there. I have talked with those Indians. I have talked with the white men. I have had communication with only one agent, and he does not care whether he remains there or not. He is ready to quit. But he is interested in the Indians, in the helpless children, in the full bloods of that country. The officers of the State of Oklahoma who are after the white man's vote are absolutely heedless of the welfare of the Indians, and that is the trouble on the floor of this House, and that is the trouble on the floor of another body. "Lo, the poor Indian," has no friends on this floor, and no friends on the floor of the other legislative body from the State of Oklahoma.

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

INDIAN APPROPRIATION BILL.

Mr. STEPHENS of Texas. Mr. Speaker, I yield the balance of my time to the gentleman from Oklahoma [Mr. CARTER].

The SPEAKER. The gentleman from Oklahoma [Mr. CARTER] is recognized for six minutes.

Mr. CARTER. Mr. Speaker, the distinguished gentleman who has just addressed the House [Mr. CAMPBELL] had something to say about the gentleman from Oklahoma [Mr. FERRIS] working himself into a fury about these district agents, and yet before he had finished his impassioned appeal, I think we must all agree, we witnessed the gentleman from Kansas work himself into an aggravated case of the heaves. [Laughter.] Now, let us get down to the truth about Indian agents. Let us look the matter squarely in the face, cease this organized combine of slander and misrepresentation, and stop playing politics with Indian affairs. The fact is, many of these department employees in Oklahoma are political appointees and agents of Members of both branches of Congress, and those Members very naturally dislike to see their pets put off the job, ergo this plaintive wail every time an attempt is made to cut down expenses and reduce the Government force in Oklahoma; and no one knows that fact better than the distinguished gentleman who has just been shedding crocodile tears over some alleged corruption of Oklahoma officials and citizens.

Mr. CAMPBELL. I do not know it.

Mr. CARTER. The gentleman from Kansas refused to yield to me when he had more time than I, therefore he must not expect to interrupt me when I have only a very limited time.

The SPEAKER. Gentlemen can not interrupt a Member on the floor without first securing leave.

Mr. CARTER. Who knows, Mr. Speaker, how many appointees the gentleman from Kansas [Mr. CAMPBELL] may have among Government employees in Oklahoma; who knows how many such appointees other gentlemen entertaining similar sentiments with him may have down there, and should we be greatly surprised that these distinguished gentlemen grow eloquent and pathetic in behalf of their henchmen when attempts are made to interfere with their comfortable seats at the pie counter?

Since this district agent fight started, stacks of gush have been put in the CONGRESSIONAL RECORD at both ends of the Capitol, alleging great corruption in connection with Indian lands in Oklahoma, and holding up the district agent as the sole friend and solitary protector to the helpless Indian in that part of God's moral vineyard, if, indeed, they will admit it is in the vineyard at all. Most of this gush, it seems, consisted of simple statements unverified by oath or otherwise, and yet distinguished gentlemen at both ends of this Capitol have become so enamored of the jobs held down by their former constituents that they actually refer now to this gush as "records." When these gentlemen put something substantial in the CONGRESSIONAL RECORD I shall be glad to take the time to reply to it, but until I see something properly verified I do not feel called upon to do so. The gentleman from Kansas [Mr. CAMPBELL] tells us that murder has been committed. He alleges that all kinds of crimes have been perpetrated in the attempt to get possession of the Indian's property. These statements given sanction by Senators and Congressmen, indeed,. constitute serious charges, and if they are not true, are a slander on the fair name of one of the sister States of this great Republic. If they were true to the fullness of their exaggeration, then I want to ask these distinguished gentlemen where were their friends and political henchmen, the great saviors of the weak and helpless Indian, the district agents, when these crimes were committed? They were sent there to defend the Indians; they

were there when the crimes were committed, and yet we hear not one word of interference to prevent the crimes. When the crimes were discovered by our State authorities, then is the first we hear of the district agent taking cognizance of them.

Since our first conference report was agreed to eliminating the appropriation for these agents stacks of telegrams have reached the desk of almost every Congressman and Senator in Washington. The sources of these telegrams were limited only by the boundaries of the United States. They began to pour in within a few hours after our report was agreed to, before it was published in the RECORD, and before publicity of same was authorized. The Associated Press had not one word about the elimination of this item. Now, I wonder how this information gained circulation so quickly and so completely. I wonder by what mysterious underground current this report gained such wide and magic circulation, when even the Associated Press did not deem it of sufficient import to send it out. I wonder how these telegrams were paid for; I wonder from what fund the money was taken that paid for the messages sending out this information and inspiring these telegrams.

Ah, Mr. Speaker, if the truth were known about this matter many of us would no doubt be surprised at the organizations and wheels within wheels that have been supporting this district-agent proposition. Who can say that the money building up these organizations and paying this expense was not taken from the funds of these very Indians themselves? Worse abuses have been committed with Indian funds, and it has been done within very recent years.

Despite the statements made by gentlemen in this House, and another gentleman in another legislative body, I proclaim here and now that the best protection rendered to the Indians of our State has been by the State courts of Oklahoma; and the assertion that our courts were coerced into taking such action by the district agents is false and without foundation in fact. The district agent has no jurisdiction and no power to coerce our courts. It is entirely within the power of any court in our State to order him without the pale of the court room and make him keep without the presence of the court. I further call attention to the fact that these gentlemen, with all their scurrilous charges, have not been able to show one single instance in which the Indian has been saved a single penny except by the action of our State courts.

It is idle prattle to say that the district agent is the only protection the Indian has in his property right. The Indian can not dispose of his property. The restriction on the sale and lease of his property is the real protection to him, and these restrictions are just as clearly defined with our Indians of the Five Civilized Tribes as the English language can make them.

Mr. BUTLER. How, then, was that title obtained from the Indian girl for $15?

Mr. CARTER. Oh, no title was obtained from any Indian girl for $15 that I know of. We heard some loose talk from the gentleman from Kansas about it, but he produces no actual evidence of it.

Mr. GARDNER of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. CARTER. In just a moment. I want the gentleman from Kansas to give me his attention, if he will. If it be true that title was obtained for $15 and this girl was a restricted Indian girl, then the district agent must have been in collusion with the purchaser of this land, for no title can be obtained to restricted lands in Oklahoma except upon removal of restrictions by the Secretary of the Interior, and the Secretary will not consider the application unless it is filed with one of these district agents, and no one has ever heard of the Secretary approving such application unless it was fully recommended and approved by the district agent. So, if she was divested of title to that land, then there must have been some assistance from the Secretary of the Interior and directly from the district agent.

Mr. MANN. That is not right, not if she were married.

Mr. CARTER. O Mr. Speaker, I am surprised at the gentleman from Illinois. It does not make a particle of difference whether the girl was married or not; marriage has nothing on earth to do with restrictions on the lands of the Five Civilized Tribes. That is clearly defined by the law. Under the act of May 27, 1908, passed by Congress, Indians of three-quarter Indian blood and more can not alienate any part of their allotments without the consent of the Secretary of the Interior; and these, in fact, are the only real Indians among the Five Civilized Tribes. But the law goes even further. It provides that Indians of less than three-quarter Indian blood, and not less than one-half, may not alienate their homestead, consisting of 160 acres, with the Choctaws and Chickasaws. These restricted Indians are the only ones over whom the Indian agents can even assume any jurisdiction, and it does not make any difference if these restricted Indians were Mormans and had a dozen wives or husbands, they could not alienate their land except with the consent of the district agent, approved by the Secretary of the Interior. So, let that put an end to these misleading statements about the Indian being divested of title.

Mr. GARDNER of Massachusetts. Is it true that the firm of a Senator of the United States from Oklahoma has a contract with these Indians which will yield to that firm upward of $1,000,000 in fees? I desire to read from the hearings on an investigation of Indian contracts before a committee of the House of Representatives.

Mr. CARTER. Now, Mr. Speaker, I hope the gentleman does not expect to read records in the short time I have to discuss this question. I am perfectly willing that he shall have leave to insert this, or any other matter he may have, in the RECORD, but the contract of which he speaks has no bearing whatever on this case. These contracts have nothing to do with the district agents, nor the district agents with the contracts. I presume the gentleman refers to certain contracts which have been submitted by Congress to the Court of Claims for adjudication.

Now, Mr. Speaker, I have myself received hundreds of letters, telegrams, and other statements from Indians, business people, State officials, and other citizens of high standing in Oklahoma, approving the action of the Oklahoma delegation in trying to cut down the extravagant expenditure of funds in Oklahoma by the Interior Department. I have probably received just as many as the gentleman from Kansas, or the gentleman from South Dakota, or any Member of any other legislative body of Congress, and they probably constitute just as serious charges against the district agents and other officials of the Indian service in Oklahoma as the other gentlemen's letters do against the citizens and officials of our State; but, Mr. Speaker, I have refrained from burdening either the RECORD or this House with any of these serious charges. The letters would constitute a volume within themselves; and while I have no doubt that many of the charges preferred are true, I have hesitated to enter into any such mud-slinging contest, and I do not now propose to fill up the RECORD with these many charges. I do desire, however, to publish in the RECORD two letters, strictly impersonal, as a sample of the opinions held by many good citizens of Oklahoma along this line. One is a letter from County Judge W. B. M. Mitchell, of Garvin County, and who it must be admitted has had abundant opportunity to view the action of the district agents at close range, and the other is from Mr. C. M. Threadgill, an attorney at law of high standing at Coalgate, Okla. Mr. Threadgill was a short time ago a candidate for the State senate on the Republican ticket and was defeated by a small majority.

OFFICE OF W. B. M. MITCHELL,
COUNTY JUDGE, GARVIN COUNTY,
Pauls Valley, Okla., February 9, 1912.

Hon. CHARLES D. CARTER,
House of Representatives, Washington, D. C.

MY DEAR SIR: I am very highly pleased to note that you are making an effort to abolish the Indian agent's office among the Five Civilized Tribes. I think this is the greatest move that has been made since Oklahoma was admitted to the Union. I have been advocating this proposition for some time, and I want to congratulate you upon the effort, and hope that you will succeed in eliminating the entire bunch. Of all the grafts and bands of plundering highwaymen since the times of the James Boys and the Dalton Brothers, the Indian agent's office has them outstripped. I think if Emmett Dalton and Jesse James should meet this bunch of grafters they would have to tip their hats. The people down here are delighted that you have backbone enough to try to get rid of them. If you can't abolish the office, for God's sake cut off the appropriation.

With kindest regards and best wishes, I am,

Very truly, yours,

W. B. M. MITCHELL.

C. M. THREADGILL,
ATTORNEY AND COUNSELOR AT LAW,
Coalgate, Okla., August 9, 1912.

Hon. C. D. CARTER, *Washington, D. C.*

DEAR SIR: I appreciate the telegram you sent me relative to the Indian apropriation bill, and I congratulate you that you have been successful in the elimination of the appropriation for the support of the Indian agent minions. I have been living in this part of the country for the past nine years and a half with a law office at Coalgate. I have had experience with the affairs of the Choctaw people, and I am in a position to say that the petty Indian agents have done more to obstruct the progress of the Indian and development of this country than any other curse of the Federal Government and Federal rule since Statehood. I have been a Republican, but the Federal rule in this country has caused me to go back to the Democratic Party whence I came. I hope you will continue your good work in Congress till the Indians of this country are freed from the misrule of these petty agents. With best wishes for your success, I am,

Yours, truly,

C. M. THREADGILL.

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

Mr. CARTER. I desire to have placed in the RECORD, Mr. Speaker, a statement from Dr. J. H. Stolper, a man who is at the head of the public defenders' bureau in the State of Oklahoma, which institution has done more, with a few thousand dollars, to protect the Indian than all the district agents and interior departments in Christendom:

STATE OF OKLAHOMA,
DEPARTMENT OF CHARITIES AND CORRECTIONS,
Oklahoma City, April 13, 1912.

Hon. CHARLES D. CARTER,
Congressman Fourth Oklahoma District, Washington, D. C.

MY DEAR MR. CARTER: * * *

You do this department the honor to refer by name to our worthy commissioner, Miss Barnard, and myself, and speak of this department's work. I would not refer to this matter further but for the expression of Hon. P. P. CAMPBELL, of Kansas, on page 4673 of the CONGRESSIONAL RECORD, where Mr. CAMPBELL says:

"It has been the ambition of the State of Oklahoma, since it has become a State, to control everybody within its borders. The people who made it a State got in there in spite of those who were endeavoring to protect the Indian. The Indian is there now struggling for his last rights. By the provisions of this bill he will be without even an attorney to appear for him. The grafter on every hand is waiting for the passage of this bill so that he can exploit the Indian. I have been in Oklahoma among the Five Civilized Tribes. I have been alone among them; I have been there with a committee. The disposition shown toward the Indian is this: If you can get his property, get it; it does not matter how."

Mr. CAMPBELL, I am confident, does not desire to do an injustice to the people of Oklahoma, and therefore he will probably be more careful in the future of making statements which are not in accordance with truth. Regarding the ambition of the State of Oklahoma, since it has become a State, to control everybody within its borders, I submit that it is nothing more than the people of Oklahoma have proven themselves absolutely worthy of, and should be encouraged and not hampered in doing, by any congressional enactments. The people of Oklahoma are American citizens, proud of being such, and should be allowed to control their own internal conditions. When Mr. CAMPBELL says about Oklahoma that "The disposition shown toward the Indian is this: If you can get his property, get it; it does not matter how."

Mr. CAMPBELL evidently is forgetting that was merely describing human nature, which is true concerning unscrupulous people in Oklahoma and in Kansas. I have just given notice to an attorney in the great State of Kansas that I will institute suit against him and his confederates, who came to the Oklahoma State Penitentiary and under pretense that said attorney can obtain a pardon for a prisoner by name Gus Grooms, have falsely induced said prisoner to give a warranty deed to his allotment. Now, said Kansas attorney knew that the governor of Oklahoma is not purchasable; that if said prisoner had a just cause this office would present such cause to the governor of Oklahoma without it costing the prisoner a single cent; and yet the Kansas attorney deliberately made use of the prisoner's ignorance in attempts to swindle such prisoner out of his land, and it becomes my duty as an official of the State of Oklahoma to get back for our unfortunate prisoner what a Kansas attorney, acting upon the principle as described by Mr. CAMPBELL, "If you can get his property, get it; it does not matter how."

Regarding the question of whether the district Indian agents should be continued in Oklahoma or not, I have nothing to say. This is a question of policy for Congress to decide. I know some district Indian agents that earn by hard work every cent they get; but, as a matter of justice to the State of Oklahoma, I wish to say most emphatically that Mr. CAMPBELL is absolutely wrong when he says "The Indian is there now struggling for his last rights. By the provision of this bill he will be without even an attorney to appear for him."

The facts are that the Indian at last is getting his full rights, as is due to a noble race who was once master of the continent. An Indian, Hon. William Durant, is speaker of our house in the legislature and is holding the office with ability and honor. There are Indian senators, representatives, judges, and Congressman in and from Oklahoma—something the Indian has seldom had before—and the Indian has at last come unto his own, thanks to the liberality of the white men of Oklahoma in adopting the liberal Oklahoma constitution.

When Mr. CAMPBELL says when you pass this bill (H. R. 20728) the Indian will be even without an attorney to appear for him, Mr. CAMPBELL shows that, although he has been in Oklahoma, alone and with committees, he does not know what is going on in the State of Oklahoma.

I am the attorney for all the people in Oklahoma who need a State's attorney. I am the public defender of the State of Oklahoma, whether dejure or defacto. I defend the people's right, and with the cooperation of Miss Kate Barnard, our commissioner, and Hobart Huson, our assistant commissioner, have done more for the Indian in proportion to the time of the existence of this office than has been done for the Indian in Kansas or any other State by State authority; and whether Congress provides an attorney for the Indian or not the people of the State of Oklahoma have provided one; and in order that the blame may not be placed upon the State of Oklahoma for the deplorable condition that some Indians find themselves in I beg to give you the following cause:

Nearly every case that I had to fight in the courts to restore the Indian his land originated in the United States courts of the Indian Territory. Here are two instances:

In re Johnson Fehlikattabbee, Carline Cole, and Sampson Cole, by Kate Barnard, as commissioner of charities and corrections of the State of Oklahoma, plaintiffs, *v.* Eugene Easton, Allie Easton, and Edson Burgett, defendants. No. 293, superior court, Grady County, and No. 1749, Pushmataha County court, and No. ——, Pittsburg County court.

This cause originated in the United States courts for the southern and central districts at Chickasha and Antlers, Okla. Three full-blood Choctaw children had a guardian appointed by the United States judge for the southern district of Indian Territory, and the United States judge for the central district, at Antlers, upon petition by one Eugene Easton, an attorney of Antlers, appointed a guardian for them also at Antlers.

This department discovered two of these children, like wild animals, sleeping in alleys and stables at Antlers, living upon the charity of the good people of Antlers. An investigation showed that a full-blood Indian, Josephus Sherred, was their guardian.

We began to investigate why the children are not sent to school and why they are not well provided for. The investigation disclosed the following facts:

These children had land, inherited from their father, Logan Cole, a full-blood Choctaw. This land Eugene Easton, as attorney for the children's guardian, sold to himself—Eugene Easton—for a supposed consideration of $1,000, one-half of which has never been paid, and a few days afterwards the said Eugene Easton sold the same land, which adjoins the city limits of the city of Chickasha, to one Edson Burgett for $4,500.

A further investigation showed that the court at Antlers never had a right to appoint a guardian for the children, as the United States court at Chickasha, having assumed jurisdiction, had exclusive jurisdiction.

While we were investigating the cause, Eugene Easton became alarmed and had Josephus Sherred execute a warranty deed to Edson Burgett for the fictitious consideration of $1,000. Sherred later swore that he did not receive a cent. We then went unto the county court at Pushmataha County and set, by judicial process, aside all acts of Josephus Sherred as guardian and the decree selling and confirming the land to Eugene Easton by Sherred and by Sherred to Burgett. We had both, the regular guardian of Chickasha and Josephus Sherred, discharged, the first by resignation and the second by order of court (see p. 189, Third Annual Report of this department, for the order of the court), and had Hon. Hobart Huson appointed guardian ad litem.

Sampson Cole, one of the heirs of Logan Cole, is within the jurisdiction of the county court of Pittsburg County, although temporarily he has been sent by the United States Government for his health—he suffering with tuberculosis—to Idaho.

In Pittsburg County court we had an old lady guardian, Susan Pusley, removed by resignation and again appointed Hobart Huson guardian so we could institute proper proceedings for clearing all clouds about three dozen warranty deeds from the children's land.

The suit was finally tried at the superior court at Chickasha on Tuesday, April 9, 1912, where we won on all points. By the judgment all clouds from the children's lands are removed and all warranty deeds, mortgages, and leases canceled. The title reverts and is in the children, and we obtained a judgment for $500 for back rent and interest at 6 per cent per annum.

The above litigation has not cost any of these children a single cent. My expenses and salary were and are defrayed from the treasury of the State of Oklahoma, to which very few Indians pay any taxes. Can anyone say that the people of Oklahoma, the Legislature of Oklahoma, are not doing their full duty by the Indian children? What have we accomplished in this case? We did find the children paupers, and made them independently rich, without a single cent coming out from tribal funds.

Second. In re George H. Tucker and William Tucker, minors. No. 555, Tulsa County Court.

In this cause three orphan children, through a conspiracy of a man from Iowa and a man from Illinois and one from Kansas, a petition was made to the Tulsa County court showing that the children's lands near Tulsa are worth $3,800, and leave was asked to sell the land. The county court in good faith allowed the petition. The Indian father-guardian of the children was taken unto a bank, was shown the back of a supposed check, told to make his mark and sign it by another man's indorsement; and the check was taken away from the guardian, he not getting a single cent. This bold robbery was perpetrated in Tulsa, in the State of Oklahoma, but not a single participant outside of the Indian was an Oklahoman.

I instituted suit in Tulsa County court and had the confirmation of the sale set aside upon ground of fraud, brought suit in the district court of Tulsa County to cancel the deed and remove the clouds, and have an information pending for criminal prosecution of the wrongdoers.

On March 26, 1912, the parties interested made me an offer in open court in Tulsa that if I agree to have impartial appraisers appointed that they will pay every cent to the children that the lands were worth. I took them up in a moment and hold a written agreement approved by the court. The land is being appraised, the children will receive every cent due them, and with the help of God will teach people of Kansas and Iowa and Illinois that while all the good people of said States are welcome in Oklahoma the State of Oklahoma is ready and willing to punish all who come here and take advantage of the Indian or any other white or black Oklahoma citizen. Here were children made paupers, and we are restoring to them independent wealth. In this case it has not cost the children a cent, and it was done purely and solely by the authority of the State of Oklahoma. The grafters threatened me with their political influence. They went to Kate Barnard and Hobart Huson to have me discharged. Miss Barnard gave them the same answer I gave. All grafters look alike to us, and the only place where by law a grafter is entitled to our supervising and protecting power is when such grafter is in the State penitentiary.

Referring to this case, such a high authority as the honorable Attorney General of the United States says:

APRIL 3, 1912.

DR. J. H. STOLPER,
General Attorney, Department of Charities and Corrections, State of Oklahoma, Oklahoma City, Okla.

MY DEAR SIR: I have your favor of the 29th ultimo, and I am very much interested and gratified to learn of the success you have had in the matter of the Tucker minors.

Very truly, yours,
GEO. W. WICKERSHAM,
Attorney General.

Again, the same generous and just Attorney General of the United States, writing to me under date of March 18, 1912, referring to the report of this department, says:

"I am struck at the scope of the work which is summarized and reported, and with the excellent results that you have achieved in your own branch of that work."

Personal modesty would prohibit me from inclosing here the quotation of a letter from one of the best friends and hardest workers for the Indian that the Indian has, Dana H. Kelsey, but the honor of the State of Oklahoma is reflected upon by Mr. Campbell, especially when our State and our legislature have and are doing the very best for the Indian, and personal inclination is bound to give way to all that concerns the welfare and the honor of our State, of the people of Oklahoma; hence the letter, which shows what people who know how Oklahoma meets its responsibilities, says:

[General office: Dana H. Kelsey, Superintendent in charge, Muskogee, Okla.]

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
FIVE CIVILIZED TRIBES,
UNION AGENCY,
Muskogee, Okla., August 16, 1911.

DEAR MISS BARNARD: I wish to take this opportunity of thanking you for the excellent work of your department in connection with the McCurtain County probate situation, and particularly to commend the most excellent service of your general attorney, Dr. Stolper. He has

gone into this situation with our officers in the most intelligent manner, and the case was handled with extreme good judgment and tact, with the best possible results, as you already know. We are all congratulating ourselves that we had your assistance and the help of such a fearless and excellent official as Dr. Stolper. It is just this sort of cooperation between the Federal and State authorities that will materially assist in protecting the estates of the minor and full-blood Indians of the Five Tribes and prevent their becoming public charges at some later date.

With assurance of my highest respect and again thanking you and all connected with your department for your hearty cooperation, I am,

Very sincerely,

DANA H. KELSEY,
United States Indian Superintendent.

Miss KATE BARNARD,
Commissioner Department Charities and Corrections,
Oklahoma City, Okla.

I could cite thousands of cases where this department single-handed has brought the most intricate legally mixed suits, when it required to bring several suits in several counties at the same time, but it would be burdensome; our report is at the disposal of Congress, and every word of said report is when dealing with courts upon court records.

This department receives from a number of county judges copies of every petition and order made in every probate case affecting orphan children. If Congress would authorize to do it in all cases of Indians, we would do it—every act, every petition for appointment of a guardian, for the sale of real estate, for confirmation of the sale, is checked and investigated in this office, and every annual and final guardian's, administrator's, and executor's report, in all cases where we have jurisdiction, is checked and verified in this office; and the interested parties are each individually notified that a petition has been presented, that it is pending, and where and when it will be heard, and requested, if any cause is known, why the petition prayed should not be granted, that an affidavit be sent to this office. I inclose two forms of cards we are using, and if Congress was generous it would give us the free use of the mails for these cards. I herewith inclose the cards, marked "No. 1," which goes to the judge, and "No. 2," which is sent to all relatives and interested parties, so that full actual publicity is given to all acts and graft is out of the question.

In conclusion I wish to beg you that you read this letter to the House of Representatives of the United States Congress that Congress and all fair-minded people of the United States may know that while Oklahoma has inherited from Federal Territorial rule the chaotic conditions existing among Indians that the State of Oklahoma, through its legislature and the State officials, is doing all within our power to protect the Indian as well as all citizens of Oklahoma, and be it said to the honor of Oklahoma that in all cases we uniformly are succeeding.

Very respectfully,

Dr. J. H. STOLPER,
The Public Defender of the State of Oklahoma.

Mr. CARTER. I also submit for printing in the RECORD the following bulletin of our State department of charities and corrections:

[Monthly Bulletin State Department of Charities and Corrections. Published monthly by Kate Barnard, commissioner of charities and corrections, State of Oklahoma. Application made for entry as second-class mail matter at Oklahoma, Okla. Kate Barnard, commissioner of charities and corrections; H. Huson, assistant commissioner of charities and corrections; Dr. J. H. Stolper, general attorney; Dr. R. C. Meloy, inspector; W. O. Mager, stenographer.]

SALUTATORY.

The department of charities and corrections presents the initial number of its Monthly Bulletin.

During the past year work has increased greatly, and all estimates made for the third legislature have been modified. The department has been confronted with the problem of doing vastly increased work with the present office force and appropriation. It will be an economy in time and cost to print all important matter in the bulletin, instead of trying to do the work with extra stenographers and very large postage bills. The work has to be done, and I believe the bulletin solves the problem of doing all of the necessary work within the quite small appropriation made for this department.

The bulletin allows me to do a large amount of educational work on subjects that come within the scope of this department. Probation officers send in many letters asking for instruction on the work in general, and special cases in particular. The public seldom hears of the results of jail and other inspections. These findings are published in my annual report, but the number who see these books is naturally limited.

I believe that counties would take pride in providing good jails, county homes, and detention homes if the public knew promptly the results of the inspections of county institutions and the suggestions made by the commissioner of charities and corrections to the county officials. Publicity is a great educator, because what people think about and talk about so finds expression in acts. Public interest and public conscience are the strongest factors in progress and development.

The first bulletin will be known as the juvenile-court edition. By this vehicle the county judges, attorneys, and commissioners will have the opportunity of reading the splendid decisions and opinions handed down by the supreme court and the criminal court of appeals now instead of waiting to find them in the law publications. They will find that the whole juvenile-court act has been declared constitutional; that it is mandatory that county commissioners provide suitable detention homes for juvenile delinquents, and they must provide for the salary of the probation officer, and it is mandatory on them to confirm the appointment of such officer if he is known and believed to be a man of good character and is a qualified and discreet person.

Now that the jurisdiction of the juvenile court is clearly shown and established, Oklahoma will not have to blush with shame by seeing little boys and girls tried as criminals. I believe that all subsequent editions of the Monthly Bulletin will publish much that is interesting and useful.

The taxpayers foot the bills for maintaining all institutions, and they should be informed of conditions and needs. I have had occasion to know how responsive and generous is the public heart, and it is only because people do not know of bad conditions that they are allowed to continue.

KATE BARNARD.

In the Supreme Court of the State of Oklahoma. Board of County Commissioners of Seminole County, A. L. Frederick, W. C. Bruce, and M. A. Harris, *v.* State of Oklahoma ex rel. T. S. Cobb, county judge, and T. S. Cobb, judge of Seminole County. No. 2752. Filed January 2, 1912.

1. Where there has been an exercise in good faith of judgment or discretion by an officer upon whom a duty involving discretion is imposed, the writ of mandamus will not lie to compel him to act again; but if by a mistaken view of the law or by an arbitrary exercise of his authority there has been in fact no actual exercise in good faith of the judgment or discretion vested in the officer, the writ will lie to compel such officer to act within the limits of the law.

2. By virtue of section 5 of an act of the legislature approved March 24, 1900, generally known as the juvenile court act (art. 8, ch. 14, p. 185, sess. laws, 1909), an appointment by the county court of any person as probation officer must have the consent and approval of the county commissioners, and in giving and refusing such consent the commissioners are vested with discretion to determine whether the proposed appointee is a discreet person of good character; but they are not vested with the power to determine whether a necessity exists for such appointment and to refuse to consent to an appointment solely upon the ground that no necessity for such officer exists.

3. A board of county commissioners to whom was referred an appointment by a county court of a person as probation officer determined that the proposed appointee was a discreet person of good character and qualified under the foregoing statute for the office, but determined that no necessity existed for such officer and refused to consent to and approve the appointment solely upon the ground: Held, That said board of county commissioners may be ordered by mandamus to consent to and approve the proposed appointment.

(Syllabus by the court.)

Error from the district court of Sminole County. Tom D. McKeown, trial judge. Affirmed.

W. W. Pryor and Willmott & Dean, attorneys for plaintiffs in error.

J. H. Stolper and T. S. Cobb, attorneys for defendants in error.

Opinion of the court by Hayes, J. This was a proceeding for a mandamus in the court below. The trial there was upon the alternative writ and the return thereto. From a judgment awarding a peremptory writ this proceeding in error is prosecuted.

The facts as alleged and admitted by the pleadings are substantially that defendant in error, relator in the court below, as judge of the county court of Seminole County, on the 1st day of April, 1911, appointed one I. L. Flynn to the office of probation officer of said county. Plaintiffs in error, respondents below, as members of and constituting the board of county commissioners of Seminole County, refused to consent to the appointment of said Flynn as probation officer upon the ground that no necessity existed for the appointment or services of such an officer. They admit in their return that said Flynn is qualified and competent, as required by law, to fill the office, and that their refusal to consent to his appointment is solely upon the ground and for the reason above mentioned.

Relator brought this action to secure a peremptory writ of mandamus ordering respondents to consent to and approve the appointment made by the court. The authority of relator to make the appointment and the duty of respondents in the premises are to be found in section 5 of an act of the legislature approved March 24, 1909, generally known as the juvenile court act (art. 8, ch. 14, sess. laws, 1909, p. 185). That section reads as follows:

"The court shall have authority to appoint or designate, by and with the consent of the county commissioners, one discreet person of good character to serve as probation officer during the pleasure of the court; said probation officer to receive compensation of $50 per month from county fund, to be paid by county commissioners. In case the probation officer shall be appointed by any court, it shall be the duty of the clerk of the court, if practicable, to notify the said probation officer in advance when any child is to be brought before the court; it shall be the duty of said probation officer to make such investigation as may be required by the court, to be present in court in order to represent the interests of the child when the case is heard, to furnish to the court such information and assistance as the judge may require, and to take such charge of any child before and after trial as may be directed by the court."

There is no controversy between the parties that in order to effect an appointment by the court of any person as probation officer such appointment must have the consent of the county commissioners; and that they are authorized to determine whether such proposed appointee is a discreet person of good character and qualified under the provisions of the act for the office; and that in determining this fact the commissioners are vested with a discretion and judgment that can not be controlled by mandamus. The point of controversy between them is whether the county commissioners have authority in determining whether they shall consent to any appointment made by the county court to determine the necessity for such appointment, and to refuse to consent to the appointment upon the ground that there is no need for such officer. That officers who have imposed upon them by law the performance of duties involving the exercise of judgment and discretion can not be controlled in the discharge of such duty by mandamus is fundamental. (Monroe et al. *v.* Beebe, 10 Okla., 581; 19 Am. & Eng. Encyc. of Law, 732.) Under this rule, if respondents had determined not to consent to the appointment of the proposed appointee upon the ground that he is not a person qualified under the statute for the office, in that he is not a discreet person or one of good character, their determination in the matter could not be controlled or reviewed by the order sought in this proceeding. Nor will the remedy lie if the statute vests the commissioners with the power to exercise their judgment and discretion in determining whether necessity exists for the appointment of such an officer, or makes the authority of the county court to appoint or designate some person depend, in the first instance, upon the consent of the county commissioners of the exercise of that authority. But, on the other hand, if the board of county commissioners are without any authority to refuse their consent to an appointment upon the ground that no necessity exists therefor, then relator is entitled to the remedy he seeks and has been awarded him by the trial court. Where there has been an exercise in good faith of judgment or discretion by an officer upon whom a duty is imposed, the writ will not lie; but if by reason of a mistaken view of the law or by the arbitrary exercise of such officer's authority there has been in fact no actual exercise in good faith of the judgment and discretion granted him by the law the writ is an available remedy to the aggrieved party. (19 Am. & Eng. Encyc. of Law, p. 739.) Refusal to consent to the appointment of Flynn solely upon the ground that he is not needed as a probation officer of the county is not an exercise of judgment and discretion in determining whether he is a suitable and qualified person for such office. As stated, supra, respondents admit in their return and it is admitted in their briefs that they have determined he is qualified, but refuse their consent upon the other ground,

which, if they are mistaken in their construction of the law, is equivalent to an arbitrary refusal to act. Relator's right to relief, therefore, turns upon the construction of that portion of the foregoing statute that confers upon the court authority to make the appointment. The language is not clear, and plausible argument may be offered to support, respectively, the contentions of relator and respondents. Narrowed down to its strictest analysis, the difference in their contentions is as follows: Respondents contend that the phrase "by and with the consent of the county commissioners" is a limitation upon the authority of the court to act under the statute; that he has no power to appoint or designate anyone as probation officer unless they consent to his authority so to act. Relator, on the other hand, contends that said phrase is a limitation only upon the selection or appointment made by him, which appointment or selection can not become final until consented to or approved by the county commissioners upon their determining that the person proposed by him for the office is a discreet person of good character. No case construing a similar statute has been called to our attention by either of the parties and we have been unable by the search we have had an opportunity to make to find any decided case that throws any light upon the question. The intent of the legislature must be gathered from the general purposes of the act and the context of which the ambiguous language forms a part. It is the theory of respondents that it was intended to lodge with them the judgment and discretion to determine the necessity of such appointment, in order to protect the county against the expense of a needless officer.

We think if this had been the purpose of the statute it would not have provided that such officer shall serve during the pleasure of the court; for, if the legislature had deemed it important that the expense of such officer should not be incurred, without the necessity therefor being approved by the county commissioners, it would not have left it within the power of the court to continue such expense after once begun, notwithstanding the county commissioners might be impressed that the necessity therefor had ceased to exist. If it had been intended that the county commissioners should ascertain in the first instance whether the number of juvenile cases before the court and the number of dependent and neglected children in the county are sufficient to demand the services of such an officer, the continuance of such an officer would have been made dependent upon the determination both of the court and of said commissioners of its necessity, so that such officer could be discontinued from service at any time either of said authorities decided there was no demand for such expense. We think, on the other hand, the purpose of the act in providing for the consent of the county commissioners to this appointment was to safeguard and insure the selection of a competent and suitable person for this responsible position. A reading of the various provisions of the act very quickly discloses that its purpose is, as declared by the last section thereof, to provide that the care and custody and discipline of neglected, dependent, or delinquent children shall be, as nearly as can be, that which would be given by parents; and that the reformation and saving of the delinquent child to the State and society is the primary object to be accomplished, rather than punishment of the crime and the vindication of the law. The act provides that in cases involving neglected and dependent children, they shall be brought before the court by service of summons instead of by warrant, which may be served by the sheriff or probation officer; and it authorizes the court, pending a hearing of any petition relative to any dependent or neglected child under the age of 16 years to leave the child in the custody of such officer, or have it kept in some suitable place provided for by the city, county, or State authorities; and upon final hearings authorizes the court to commit such a child to the care of a suitable State institution, or to the care of some reputable citizen of good moral character, or to some training school or industrial school, or to some association willing to receive it. The duties imposed by the statute, quoted above, upon the probation officer to make an investigation in all such cases and to represent the interests of the child when such a case is heard, and from time to time furnish the court with information that will enable the court best to protect the interests of the child, render this officer one of great importance to the county and the State. His duties are such as to require tact, patience, and kindness, and yet firmness, with a thorough knowledge of child nature; and, since he is to be such an important factor in the reformation of the child, he ought, as is required by law, to be a person of good moral character. The county judge, whose court has jurisdiction coextensive with the county in all misdemeanor cases and of all probate matters, including, or course, matters pertaining to guardianships and wards, is in the best position to ascertain and know the necessity of such an officer in his county and how long that necessity continues; but in the selection of a person with the peculiar qualifications the position requires, he can and no doubt will be, in most instances, greatly aided by the suggestions and concurring judgment of the county commissioners; and such we think was all that was intended to be accomplished by that portion of the statute under consideration. The order of the trial court commands respondents to convene immediately in session and consent to and approve the appointment of said Flynn as probation officer. Consenting to and approving his appointment involves the exercise of discretion in determining whether he is a discreet and moral person, qualified for the appointment; and if the record did not disclose that respondents had exercised this discretion and found him qualified for the office, and that his appointment should be approved unless they are authorized to determine the necessity of his appointment, the order of the lower court should be modified so as to command them only to act and exercise their discretion within the limitations of the statute as herein construed. (Mobile Mutual Insurance Co. v. Cleveland, 76 Ala., 321.) But, since respondents concede his qualifications and that the approval should be made, if they can not deny the authority of the court to determine his necessity therefor, there remains nothing to be done by them, except the act of expressing their consent and making record thereof, which they may be commanded to do by the writ sought. (Tilden *v.* Sacramento County, 41 Cal., 68; State ex rel. Johnson *v.* Lutz et al., 136 Mo., 633; Harwood *v.* Quimby, 44 Iowa, 385.)

The judgment of the lower court is affirmed.

Turner, C. J.; Williams, Kane, and Dunn, JJ., concur.

THE CRIMINAL COURT OF APPEALS OF OKLAHOMA.

In re Application of John Powell for the writ of habeas corpus. No. A–1533. Filed January 11, 1912.

1. (a) It is not necessary for the title to an act of the legislature to embrace an abstract of its contents. It is sufficient if the title contains a reasonable intimation of the matters under legislative consideration to state the subject of the bill in general terms and with fewest words, in accordance with the general custom, to which the framers of the constitution intended the legislature to conform.

(b) When there are numerous provisions having one general object, the title is sufficient if it fairly indicates the general purpose of the act. The details providing for the accomplishment of such purpose are to be regarded as necessary incidents.

(c) All the provisions of this act are for one object only: The care of delinquent and dependent children, as expressed in the title.

2. (a) Under the provisions of this act a child under 16 years of age can not be guilty of the commission of a crime, except in cases wherein it is shown that such child knew the wrongfulness of his acts at the time they were committed.

(b) The acts or omissions of a child which in an adult would be a crime, under this law, constitute juvenile delinquency only, except in cases wherein the juvenile court finds that the child, at the time the acts complained of were committed, knew the wrongfulness thereof, and holds such child for trial before a court of competent jurisdiction.

(c) This law contemplates an investigation by the juvenile court of the complaints against a child with the view of determining whether or not the child committed such acts, and if so, whether or not he knew the wrongfulness thereof in a criminal sense. And if upon such investigation the juvenile court finds affirmatively, it is then within his discretion to hold such child to be proceeded with in the manner provided by law in the court having competent jurisdiction of the offense, certifying to such court both his finding as to probable cause and that the child knew the wrongfulness of the acts complained of.

(d) The finding of the juvenile court that the child knew the wrongfulness of his acts and was capable of committing the offense, and did commit it, does not relieve the State of the burden of proving upon the trial that the child knew the wrongfulness thereof, as provided in subdivision 2, section 2034, Snyder's statute. The only effect the act in question has on said subdivision is to change the word "fourteen" to "sixteen" subsequent to the action of the juvenile court.

3. The object of this statute is not punishment, but reform and moral training. It creates a new offense, but creates no new court, and takes away no jurisdiction heretofore conferred upon any of the courts to try offenses against the penal laws of the State. It simply places additional duties on the county courts and provides a different method of bringing children before the courts to be dealt with.

4. It is no light matter to compel a boy or girl to spend his or her childhood days in restraint, and there should be clear proof of the necessity of such a course before a child is committed under the provisions of this act. The law contemplates a system of probation wherein the State places itself in loco parenti. The treatment of a child contemplated by this law is as near as may be that which should be given by its parents. This act should be liberally construed in favor of the welfare of the child, and only for grave offenses, such as affect the general welfare of the public, should a child be proceeded against in accordance with the laws that may be in force governing the commission of crime. The rights of the child whose welfare is at stake, as well as the rights of his parents, must be duly regarded and protected by the court.

5. (a) The law under consideration rests on the fundamental doctrine that a child the moment it is born owes allegiance to the government of the country of its birth and is entitled to the protection of that government for its person as well as its property.

(b) The legislature not only has the power to enact such provisions, but it is the duty of the State in its character as parens patriae to do so.

6. The act of the legislature approved February 24, 1911, not only authorizes the commissioner of charities and corrections to institute proceedings in this character of cases, but imposes that duty.

7. Under the provisions of this act the juvenile courts are the only courts having jurisdiction to commit children to the training school for boys, and are the only courts having jurisdiction to hear and determine complaints against children under 16 years of age for the infraction of any penal statute whatever, until after such juvenile court shall have held the child to be tried in the manner hereinbefore set out. This act repeals sections 8539 and 8543 of Snyder's statute, and provides complete proceedings for the disposition of cases arising hereunder.

(Syllabus by the court.)

Dr. J. H. Stolper, general attorney for the commissioner of charities and corrections, for petitioner.

Robert Wimbish, county attorney of Pontotoc County, for respondent.

Armstrong, Judge: This is an application for the writ of habeas corpus brought by Miss Kate Barnard, State commissioner of charities and corrections, on behalf of John Powell, a boy 14 years of age, seeking his discharge from a judgment of conviction rendered by the district court of Pontotoc County, imposing a sentence of two years in the State training school at Pauls Valley.

Petitioner was arrested on the 8th day of September, 1911, upon a warrant issued by H. J. Brown, justice of the peace in said county, charging him with the crime of burglary. An examining trial was had before the said justice and petitioner held to await the action of the district court. On September 16 the county attorney of Pontotoc County filed an information against petitioner and on the 4th day of December thereafter a plea of guilty was entered and the aforesaid judgment and sentence rendered by the court.

The petition is based upon the provisions of the act of the legislature approved March 24, 1909, commonly known as the juvenile court law. The title to the act is as follows: "An act to define dependent, neglected, and delinquent children and to regulate the treatment, control, and custody thereof by county courts."

The objection was raised and argued that the commissioner of charities and corrections of the State of Oklahoma has not the authority to bring a suit of this nature. We are of the opinion that this objection is not well taken, for the reason that the right of the commissioner of charities and corrections to institute proceedings of this character is conferred, and the duty to do so imposed, by the act of February 24, 1911. (See Session Laws, 1911, p. 46.)

It is contended on the part of the State that the law is invalid because of defect in title; that it creates a juvenile court and a probation officer, which are not mentioned in the title; and because it embraces more than one subject.

Section 57, Article V of the Constitution, provides:

"Every act of the legislature shall embrace but one subject, which shall be clearly expressed in its title."

In order that a complete understanding may be had of the various questions considered in this opinion, we quote the statute involved in full, which is all the law on this subject enacted up to this time by the Legislature of Oklahoma:

"SECTION 1. This act shall apply to any child under the age of 16 years not now or hereafter an inmate of a State institution incorporated under the laws of this State. For the purpose of this act the words 'dependent child' and 'neglected child' shall mean any

child under the age of 16 years who for any reason is destitute, homeless, or abandoned, or dependent upon the public for support, or has not the proper parental care or guardianship, or who habitually begs or receives alms, or who is found living in any house of ill fame or within a vicious or disreputable place, or whose home by reason of neglect, cruelty, or depravity on the part of its parents, guardians, or any other person in whose care it may be is an unfit place for such a child, and any child under the age of 8 years who is found begging, singing, or playing any musical instrument upon the street or giving any public entertainment or who accompanies or is used in aid of any person so doing.

"The words 'delinquent child' shall include any child under the age of 16 years who violates any law of the United States or of this State or any city or village ordinance; or who is incorrigible, either at home or in school, or who knowingly associates with thieves, vicious, or immoral persons, or who without just cause and without the consent of its parents or custodian absents itself from home or its place of abode, or who is growing up in idleness or crime; or who knowingly frequents a house of ill repute; or who knowingly frequents any policy shop or place where any gaming device is operated; or who patronizes or visits any public pool rooms or bucket shop, or who wanders about the street in the nighttime without being on any lawful business or occupation, or who habitually wanders about any railroad yards or tracks, or who habitually uses vile, obscene, vulgar, profane, or indecent language; or who is guilty of immoral conduct in any public place or about any schoolhouse; or who is addicted to the use of intoxicating liquor or any injurious drugs, or who is the user of cigarettes.

"Any child committing any of the acts herein mentioned shall be deemed a delinquent child and shall be proceeded against as such in the manner herein provided. A deposition of any child under this act or any evidence given in such cause shall not in any civil, criminal, or other cause or proceedings whatever in any court be lawful or proper evidence against such child for any purpose whatever, except in subsequent cases against the same child under this act. The word 'child' or 'children' may be held to mean one or more children, and the word 'parent' or 'parents' may be held to mean one or both parents when consistent with the intent of this act. The word 'association' shall include any corporation which includes in its purposes the care or disposition coming within the meaning of this act.

"SEC. 2. The county courts of the several counties in this State shall have jurisdiction in all cases coming within the terms and provisions of this act. In trials under this act the child informed against or any person interested in such child shall have the right to demand a trial by jury, which shall be granted as in other causes unless waived or the judge of his own motion may call a jury to try any such case. In all counties a special record book or books shall be kept by this court for all cases coming within the provisions of this act, to be known as the 'juvenile record,' and the docket or calendar of the court upon which shall appear the case or cases under the provisions of this act shall be known as the 'juvenile docket,' and for convenience the court in the trial and disposition of such cases shall be called the 'juvenile court.' Between the 1st and 30th days of October of each year the clerk or judge who acts as such clerk of the county courts shall submit to the commissioner of charities and corrections a report in writing upon blanks to be furnished by said commissioner, showing the number and disposition of delinquent children brought before such court, together with such other useful information regarding such cases and the parentage of such children as may reasonably be obtained at the trials thereof, provided that the name or identity of any such child or parents shall not be disclosed in such report.

"SEC. 3. Any reputable person, being a resident of the county, having knowledge of a child in his county who appears to be either neglected, dependent, or delinquent, may file with the clerk of court having jurisdiction in the matter a petition in writing, setting forth facts verified by affidavits. The petition shall set forth the name and residence of the legal guardian, if known, or if not known, then the name and residence of near relative, if there be one and his residence known. It shall be sufficient that the affidavit is upon information and belief.

"SEC. 4. Upon the filing of the petition a summons shall be issued requiring the person having custody or control of the child, or with whom the child may be, to appear with the child at a place and time stated in this summons, which time and place shall not be less than 24 hours after service. The parents of the child, if living and the residence is known to the petitioner, or its legal guardian, if there be one and his residence is known to the petitioner; or, if there is neither parent nor guardian, or if his or her residence be not known, then some near relative, if his residence be known to the petitioner, shall be notified of the proceedings, and in any case the judge may appoint some suitable person to act in behalf of the child; summons and notice may be served by the sheriff or by any duly appointed probation officer, either by reading the same to the person or persons or by leaving a copy thereof at his usual place of abode, or with some person of his family of the age of 10 years or upwards and informing such person of the contents thereof. The return of such summons and notice with indorsement of service by the sheriff or probation officer in accordance herewith shall be sufficient proof thereof. If the person summoned as herein provided shall fail without reasonable cause to appear and abide the order of the court or bring the child, he may be proceeded against as in case of contempt of court. In case summons can not be served or the party fails to obey the summons, and in any case when it shall be made to appear to the court that such summons will be ineffectual, a warrant may be issued on the order of the court, either against the parent or guardian or the person having the custody of the child or with whom the child may be or against the child itself.

"On return of the summons or other process, or on the appearance of the child, with or without summons or other process, in person before the court, and on the return of the service of notice, if there be any person notified, or as soon thereafter as may be, the court shall proceed to hear and dispose of the case in a summary manner. Pending the final disposition of the case the court may order the child to be retained in the possession of the person having charge of the same, or any other person, or to be kept in some suitable place provided by the city, county, or State authorities.

"SEC. 5. The court shall have authority to appoint or designate, by and with the consent of the county commissioners, one discreet person of good character to serve as probation officer during the pleasure of the court, said probation officer to receive compensation of $50 per month from county fund, to be paid by county commissioners. In case the probation officer shall be appointed by any court, it shall be the duty of the clerk of the court, if practicable, to notify the said probation officer in advance when any child is to be brought before the court; it shall be the duty of said probation officer to make such investigation as may be required by the court, to be present in court in order to represent the interests of the child when the case is heard, to furnish to the court such information and assistance as the judge may require, to take such charge of any child before and after trial as may be directed by the court.

"SEC. 6. When any child under the age of 16 years shall be found to be dependent or neglected, within the meaning of this act, the court may make an order committing the child to the care of a suitable State institution, or to the care of some reputable citizen of good moral character, or to the care of some training school or industrial school, as provided by law, or to the care of some association willing to receive it, embracing in its objects the purpose of caring for or obtaining homes for neglected or dependent children, which association shall have been accredited as hereinafter provided. The court may, when the health or condition of the child may require it, cause the child to be placed in a public hospital or institution for treatment or special care, or in a private hospital or institution which will receive it for like purpose without charge.

"SEC. 7. In any case where the court shall award a child to the care of any association or individual in accordance with the provisions of this act the child shall, unless otherwise ordered, become a ward and be subject to the guardianship of the association or individual to whose care it is committed. Such association or individual shall have authority to place such child in a family home with or without indenture, and may be made party to any proceeding for the legal adoption of a child, and may by its or his attorney or agent appear in any court where such proceedings are pending and assent to such adoption. And such assent shall be sufficient to authorize the court to enter the proper order or decrees of adoption. Such guardianship shall not include the guardianship of the estate of the child.

"SEC. 8. In the case of a delinquent child the court may continue the hearing from time to time and commit the child to the care or custody of a probation officer or any other person, or may allow such child to remain in its home, subject to the visitation of the probation officer, such child to report to the probation officer as often as may be required; or the court may cause the child to be placed in a suitable family home, subject to the friendly supervision of a probation officer and the further order of the court; or it may authorize the child to be boarded out in some suitable family home, in case provision is made by voluntary contribution or otherwise for the payment of the board of such child until a suitable provision may be made for the child in a home without such payment; or the court may commit the child, if a boy, to the training school for boys, or if a girl to an industrial school for girls; or the court may commit the child to any institution in the county incorporated under the laws of this State that may care for delinquent children or that may be provided by a city or county, suitable for the care of such children, or to any State institution which may be established for the care of delinquent children; or the court may commit the child to the care and custody of some association that will receive it, embracing in its objects the care of neglected or dependent children, and that has been duly accredited, as hereinafter provided. In no case shall a child beyond the age of 16 years be committed to an institution. A child committed to such an institution shall be subject to the control of the superintendent thereof, and the said superintendent shall have power to parole such children under such conditions as he may prescribe.

"Every child who shall have been adjudged delinquent, whether allowed to remain at home or placed in a home or committed to an institution, shall continue to be a ward of the court until such child shall have been discharged as such ward by order of court or shall have reached the age of 21 years, and such court may during the period of wardship cause such child to be returned to the court for further or other proceedings, including parole or release from an institution: *Provided, however,* That notice of all applications to the court for such parole or release shall be given to the superintendent of such institution at least 10 days before the time set for the hearing thereof, or the consent, in writing, of such superintendent to such parole or release shall be filed. The court may, however, in its discretion, cause such child to be proceeded against in accordance with the laws that may be in force governing the commission of crime.

"SEC. 9. No court or magistrate shall commit a child under 12 years of age to a jail or police station, but if such child is unable to give bail it may be committed to the care of the sheriff, police officer, or probation officer, who shall keep such child in some suitable place, which shall be provided by the city or county outside of the inclosure of the jail or police station. When any child shall be sentenced to confinement in any institution to which adult convicts are sentenced it shall be unlawful to confine such child in the same building with such adult convicts, or to confine such child in the same yard or inclosure with such adult convicts, or to bring such child into any yard or building in which adult convicts may be present.

"SEC. 10. This act shall be liberally construed, to the end that its purpose may be carried out, to wit: That the care and custody and discipline of the child shall approximate, as nearly as may be, that which should be given by its parents, and that, as far as practicable, any delinquent child shall be treated not as a criminal, but as misdirected and misguided, and needing aid, encouragement, help, and assistance.

"SEC. 11. All acts and parts of acts in conflict herewith are hereby repealed."

A similar law to this was passed by the Legislature of Pennsylvania in 1903. Among the objections raised to such act in the supreme court of that State was the following: "That the act contained more subjects than one, some of which are not expressed in the title." The Supreme Court of Pennsylvania, in Commonwealth *v.* Fisher (213 Pa. St., 51), in discussing this proposition says:

"No new court is created by the act under consideration. In its title it is called an act to define the powers of an already existing and ancient court. In caring for the neglected or unfortunate children of the Commonwealth and in defining the powers to be exercised by that court in connection with these children, recognized by the State as its wards, requiring its care and protection, jurisdiction is conferred upon that court as the appropriate one, and not upon a new court."

And again:

"It is a mere convenient designation of the court of quarter sessions to call it when caring for children a juvenile court, but no such court as an independent tribunal is created. It is still the court of quarter sessions before which the proceedings are conducted."

Pennsylvania has a constitutional provision similar to ours relative to the title of legislative enactments; and, indeed, most, if not all, of the other States have such provision.

The question of the sufficiency of the title of legislative enactments has been frequently before the courts. The Supreme Court of California in Ex parte Liddell (93 Cal., 633) holds that—

"It is not necessary for the title of an act to embrace an abstract of its contents, but if it contains a reasonable intimation of the matters under legislative consideration it is sufficient to state the subject

of the bill in general terms and with the fewest words, in accordance with general custom, to which the framers of the constitution intended the legislature to conform.

"Numerous provisions having one general object fairly indicated by the title may be united, and when the general purpose of the act is declared the details provided for the accomplishment of that purpose will be regarded as necessary incidents."

See also Montclair *v.* Ramsdell (107 U. S., 147); Commonwealth *v.* Fisher, supra.

While we think the title to the act in question could have been more complete without subjecting it to other criticism, yet it was sufficient for the purpose intended. All the provisions of this act are for one object only—the care of delinquent and dependent children, as expressed in the title.

It is next objected that the law is invalid because it takes away the exclusive jurisdiction of the district court to try felony cases.

Section 10, Article VII, of the Constitution confers on the district courts original but not exclusive jurisdiction, and even this jurisdiction is conferred subject to the limitation of section 9, Article VII, which section confers original jurisdiction only until otherwise provided by law. This question has been thoroughly considered by this court in Ex parte Whitehouse (3 Okla. Cr., 97; 104 Pac., 374), but no powers of the district courts to try felony cases is taken away by the act in question. The juvenile court, as such, can not try felony cases, nor does the act in question confer or intend to confer any such powers upon the county courts sitting in their capacity as juvenile courts. The legislature in its wisdom by this law says that a child under 16 years of age can not be guilty of the commission of a crime except in cases where it is shown that such child knew the wrongfulness of his acts at the time they were committed. The acts committed by such child which in an adult would be a crime, under this statute constitute juvenile delinquency only, except in cases of a serious character, when the juvenile court is authorized by the act supra, in its discretion, to cause such child to be proceeded against in accordance with the law that may be in force governing the commission of crime.

Prior to the enactment of the law in question the statutes provided—

"All persons are capable of committing crimes except those belonging to the following classes: 1. Children under the age of 7 years. 2. Children of the age of 7 years but under the age of 14 years, in the absence of proof that at the time of committing the act or neglect charged against them they knew its wrongfulness." (Sec. 2034, Snyder's Stats.)

The juvenile-court law under consideration, in effect, provides that children under the age of 16 are incapable of committing crime; but in order that no great wrong should be done to society the legislature took the precaution to provide that a child brought before the juvenile court on a charge of delinquency might, in its discretion, cause such child to be proceeded against in accordance with the law governing the commission of crime. See section 3, paragraph 2, act supra. This provision contemplates an investigation by the juvenile court of the acts complained of, with the view of determining whether or not the child committed them, and if so, whether or not he knew the wrongfulness thereof in a criminal sense; and should the court find affirmatively, it is then within its discretion, under the law, to hold such child to be proceeded with in the manner provided by law in a court having competent jurisdiction of the offense committed, certifying to such court both its finding as to probable cause and that the child knew the wrongfulness thereof. The finding of the juvenile court, or the county judge sitting as such, that the child knew the wrongfulness of his act and was capable of committing the offense, and did commit it, does not relieve the State of the burden of proving that the child knew the wrongfulness of its act at the time of the commission thereof upon the trial before a jury in a court of competent jurisdiction, as provided in subdivision 2, section 2034, Snyder's Statutes. The effect of the juvenile-court law under consideration has on said subdivision is simply to change the word "fourteen" to "sixteen," subsequent to the foregoing proceedings.

It is next urged that the legislature had no right under the Constitution to enact the law in question.

We are of the opinion that the legislature did have the right to enact the law. It is a fact well known to all members of the legal profession and a great number of our citizenship that all laws relating to the commitment of minors to various institutions, whether for care and guardianship or for purposes of restraint and reform, are entirely statutory and have been uniformly upheld. Such provisions found no lodgment in the common law, as is the case with most of our criminal statutes. But the legal principle involved in the construction and application of these statutes authorizing such commitments are founded on the common-law doctrine generally.

Commitments of children to juvenile institutions can be distinguished into three essential classes—commitments as a punishment for crime, commitments where the proceedings are quasi criminal, and commitments for care and guardianship.

Statutes authorizing the commitment of juvenile offenders to houses of refuge and juvenile reformatories instead of imprisonment obtain in most States. In this class of cases it is generally held that the statutes must receive the same construction as other penal statutes. Such a provision is also contained in the United States statutes. (See U. S. Rev. Stats., pars. 5544, 5550.)

The proceedings in another class of cases, referred to supra, have been designated quasi criminal. Statutory provisions are found in a number of the codes of various States authorizing the commitment of minors to reformatory institutions upon application or complaint of parents, guardians, or other responsible persons, made before civil magistrates, alleging that the minor is incorrigible and beyond domestic control. Legislation of this kind is not unconstitutional. The object of the detention in these cases is not punishment, but reform and moral training, as is the purpose of the statute before us, and proceedings under statutes authorizing such commitment have been held to be valid on the ground that the parens patriæ, or sovereign right to care for the education of its members, belongs of strict right to the State, under whose sanction the custody or charge of the minor is thus transferred from the guardian who declares his inability to fulfill the purpose of guardianship. (See Roth *v.* House of Refuge, 31 Md., 329; Ex parte Crouse, 4 Whart., 9.)

It is no light matter to compel a boy or girl to spend his or her childhood days in restraint, and there should be clear proof of the necessity of such a course before a child is committed under the provisions of this act. Sections 5, 6, 7, and 8 of this law provide for a system of probation, the object of which is to help the child through a correctional method by the State placing itself in loco parenti. The treatment of a child contemplated by this law is as near as may be that which should be given by its parents. The juvenile courts should, therefore, first exercise the authority conferred by the law and place the child, where possible, on probation either with the child's parents, when suitable, or, where there are no such parents, with any other fit person of good moral character, to be supervised by the probation officer, who is required to make frequent reports to the court. This act should be liberally construed in favor of the welfare and best interest of the child, and only for grave offenses, such as affect the general welfare of the public, should a child be proceeded against in accordance with the laws that may be in force governing the commission of crime. The rights of the child whose welfare is at stake, as well as the rights of his parents, must be duly regarded and protected by the court.

The last class of cases referred to supra, for which children may be committed to juvenile institutions, includes all those cases in which the State intervenes in its capacity of parens patriæ and through its officers assumes the care and education of children who are either without a guardian or place of abode, commonly designated as vagrant and destitute minors, and in some jurisdictions those who are neglected, ill treated, and not properly cared for by their guardians, appointed or natural. In this State this class are cared for in the Orphan's Home at Pryor Creek.

Interference or intervention by process of law in matters affecting the care and guardianship of minors is carried on to an extent in the United States that is unknown to many legal systems of other portions of the civilized world. For this reason it is interesting and instructive to inquire into the precise ground upon which such action rests and the direction and extent it may properly assume. The fundamental doctrine upon which governmental intervention in all such cases is based is that the moment a child is born it owes allegiance to the Government of the country of its birth, and is entitled to the protection of that Government for his person as well as his property. In order to discharge this duty of protection the Government, by way of safeguard and for the benefit of the infant, places him under guardianship, but it is only that there may be best secured to him the assistance and protection of law and that he may acquire that education which will enable him afterwards to discharge the duty which he owes to his country as well as to himself. The authority of all guardians is derived from the State, such guardians being appointed when the occasion for them arises or is expected to arise. The nature of a guardianship is that of a trust, the execution of which is at all times superintended by the State.

It has been held by the highest courts of Massachusetts, Ohio, Wisconsin, New York, and others that the legislature not only has the power to enact such provisions as those under consideration, but that it is the duty of the State in its character of parens patriae to do so. The performance of such duty is justly regarded as one of the most important governmental functions, and a constitutional limitation must be so understood as not to interfere with its proper and legitimate exercise. See Roth *v.* House of Refuge, supra; Prescott *v.* State, 19 Ohio St. 184; Ex parte Nichol, 110 Cal. 653. The cases cited do not all discuss the identical question under consideration, but the reasoning applies with full force.

It is evident that this law was enacted by the legislature in the interest of the highest principles of humanity and for the greatest and best interests of the childhood of the State, especially that type of children who need the help and guardianship of the highest power of the State. It is but natural that the jurisdiction in this class of cases should be conferred on the county courts. The statutes already existing at the time of the passage of this law conferred upon the county courts the duty of looking after the property rights of children. In fact, the county court is properly the children's court, and the selection of the judges of these courts is usually had with this in view.

Again it is objected that this statute attempts to punish violations of the Federal laws. This point was not extensively argued. We have already determined that this is not a punitive statute, but a reformative one. It is not the purpose or intention of this statute to punish for the violation of any specific provision of any code, but merely to provide that a child who, without knowing the wrongfulness of his acts, commits such acts is guilty not of an infraction of those provisions of either nation, State, or municipalities, but is to be adjudged and considered a juvenile offender. In other words, a delinquent child as defined in the act itself. No provision of the statute under consideration prescribes a penalty for the violation of any statute, nor is a child committed for that purpose, but for the purpose of reformation, education, and development.

There is one other proposition raised by this petition that we deem it well to dispose of. That is the question of the jurisdiction of the district or other courts than the juvenile courts, to commit juvenile offenders to the Training School for Boys. Section 8539, Snyder's Statutes, is as follows:

"When complaint, the facts of which are established by due proof, shall be made to a magistrate or justice, as aforesaid, that any boy between the ages of 7 and 16 years is a proper subject for the guardianship of the State training school, in consequence of vagrancy or incorrigibly vicious conduct, and that from the moral depravity or other insuperable obstacle on the part of the parent, guardian, or next friend, in whose custody such boy may be, such parent, guardian, or next friend is incapable or unwilling to exercise the proper care and discipline over such incorrigible or vicious boy, such magistrate or justice, as the case may be, shall commit such boy to the state training school for such term as he shall deem proper within the limits prescribed in a previous section of this act."

Section 8543, Snyder's Statutes, is as follows:

"All boys committed under this act shall be committed until they arrive at the age of 21, unless sooner reformed. Boys not over 16 nor under 10 years of age may be committed to said school by any judge of the police court, county judge, or district judge, or the judge of any court of record having jurisdiction in criminal cases which may be created by law, or any conviction of any offense against the laws of the State, and any such boy convicted of any crime or offense, the punishment of which is in whole or in part confinement in the jail or penitentiary may, at the discretion of the court giving sentence, in lieu of being sent to the jail or penitentiary, be committed to the State training school."

These provisions apparently confer this jurisdiction, but these sections were enacted prior to the enactment of the law in question, and are directly in conflict with the fundamental purpose of many of its provisions.

This act in addition to providing for the jurisdiction of the county court sitting as a juvenile court has many other mandatory provisions, such as requiring the keeping of separate dockets, journals, and reports to the commissioner of charities and corrections; the appointment of probation officers, and the procedure in general to be had in dealing with children such as are not provided for nor contemplated in any other court of the State.

Section 11 of the act before us provides that "All acts and parts of acts in conflict herewith are hereby repealed." The general provisions of Snyder's Statutes, supra, were sufficient to confer this right upon the district and other courts, but the provision last quoted clearly repeals them. Should the general provisions of sections 8539 and 8543 stand, the very purpose of the law under consideration would be destroyed. It was evidently the intention of the legislature to give this right to commit children to the State training school for the purposes of reform, education, and development into the exclusive control of the juvenile courts, and we are impelled to the conclusion that this is the effect of the law as it stands. It is also provided that a child committed under the provisions of this act shall be committed until he is 21 years of age, unless sooner reformed. A commitment to the State Training School for Boys for a definite period is not warranted by this statute. Commitment should follow statutory provisions. In the case before us the child was committed for two years.

The issues raised by the petition were orally argued and have been exhaustively briefed by Dr. J. H. Stolper, counsel for the commissioner of charities and corrections, on behalf of petitioner, and extensively argued by Robert Wimbish, county attorney for Pontotoc County, on behalf of the State.

The questions here discussed were not raised before the district court of Pontotoc County, and the attention of that court was not called to any of the provisions of this act. Had that been done it is probable that this cause would not be here on habeas corpus.

From the views expressed upon the questions raised by the petition in this case we conclude that the statute is constitutional and valid in every respect. (See Commonwealth *v.* Fisher, supra; Ex parte Nichol, supra; State *v.* Reed, 123 La., 411; 49 So., 3; Blanchard *v.* Raines, 20 Fla., 467; Baldwin *v.* Bennett, 6 Rob. (La.), 309.)

Let the writ issue and petitioner be discharged from the custody of the sheriff of Pontotoc County. Said sheriff is ordered to deliver the prisoner into the custody of the juvenile court of said county to be proceeded with according to law.

Furman, presiding judge, and Doyle, judge, concur.

LEGAL DEPARTMENT.

[Dr. J. H. Stolper, general attorney, department of charities and corrections.]

THE PRINCIPLES OF THE OKLAHOMA JUVENILE COURT, AS CONSTRUED BY OUR APPELLATE COURTS.

The juvenile-court law is, in my humble opinion, as I have recently said in briefing the matter for the Oklahoma Criminal Court of Appeals, the greatest law given to mankind since the handing down of the Ten Commandments by Moses. While the several provisions of the law, as all human laws, can be more perfect and should be improved in many details, the principle upon which the law is based is so sublime as to make it almost perfection. The principle is that, while a child can and often does commit acts which are wrong and may even cause injury either to society or to individuals, yet the average boy and girl under the age of 16—and I would be willing to go higher and say under the age of 18 years—lacks that mature conscious knowledge in a criminal sense that his or her act is wrong. Such acts, especially in younger children, are entirely without those elements of turpidity or moral depravity essential to constitute a crime in a criminal sense, and such acts of omission or commission by children never rise above mere childish wrong, which the Oklahoma law, as construed by Hon. James R. Armstrong, of the Oklahoma Criminal Court of Appeals, are designated as juvenile delinquency.

The juvenile-court law goes a great step further than the criminal law does. According to Mr. Justice Holmes, in speaking of the principle on what punishment by criminal law is based, says: "It has never ceased to be one object of punishment to satisfy the desire for vengeance. * * * The desire for vengeance imports an opinion that its object is actually and personally to blame." (The Criminal Law; The Common Law, 40 Holmes.) Again, our great justice of the Supreme Court of the United States in proving his views, says in relation to the criminal law punishment: "If punishment stood on the moral grounds which are proposed for it, the first thing to be considered would be those limitations in the capacity for choosing rightly which arise from abnormal instincts, want of education, lack of intelligence, and all other defects which are most marked in the criminal classes. I do not say they should not be, or at least I do not need to, for my argument. I do not say that the criminal law does more good than harm. I only say that it is not enacted or administered on that theory." (Holmes, The Common Law, 45.)

The juvenile law is enacted primarily with the view of prevention instead of punishment. Its object is to save the feeble child, through the parental care of the State, by placing the child—the boy and girl of to-day; the man and woman, the father and mother of to-morrow—in favorable surroundings where the child can be taught to do right and form good and proper habits. The juvenile-court law takes cognizance of all those elements which Mr. Justice Holmes says the criminal law does not. It is reformative instead of punitive, and tends to preserve the child from the evil consequences of a childish act instead of destroying the child, either physically or morally, as the criminal-law punishment does.

The juvenile-court law in the United States has become widely known through the activity of such men as Judges Hurley and Julian Mack, of Chicago; Hon. Flexner, of Kentucky; Judge Ben Lindsay, of Denver, Colo.; and others. In Oklahoma it was enacted through the efforts of the department of charities and corrections, during the administration of Miss Kate Barnard as commissioner and Hobart Huson as assistant commissioner, before the writer became connected with the department of charities and corrections; but it has been the writer's privilege to defend the children of Oklahoma coming within the operation of the juvenile-court law from being punished under the criminal law, and during such litigations to succeed in having this law adjudicated, and to give the solemn act of the wise legislature that additional force which every act receives by being construed by the two highest courts of the State.

The opinion of Judge James R. Armstrong, concurred in by the full court of the Oklahoma Criminal Court of Appeals, is epoch making. Twice was it the privilege of the writer to appear before Judge James R. Armstrong in defense of the juvenile-court law and the rights of the childhood of Oklahoma, and each time this learned judge has been called upon he has upheld the juvenile-court law. In each case, In re Habeas Corpus Ennis Tuck and In re Habeas Corpus of John Powell, he has shown himself a friend of childhood as well as a profound lawyer and judge.

The opinions of Judges Armstrong and Hayes verily deserve to be treasured next to the family Bible in each home where the are children and where the mother's and father's hearts beat with love for such children, for in these two opinions the juvenile-court law of Oklahoma is firmly and finally established. The amount of work accomplished by Judge Armstrong in the decision In re Habeas Corpus of John Powell was enormous; in fact, so great that the opposing counsel was under the impression that we would not be able to get a full construction of all the fundamental questions involved; but the reading of the decision and opinion of Judge Armstrong at once shows that there is no limit to the capacity for labor of the three great lawyers, the present judges of Oklahoma Criminal Court of Appeals. Truly have the children of Oklahoma and each true mother of Oklahoma to be grateful that, at a very critical moment of this juvenile law's existence, where every section was challenged as unconstitutional, that on the bench of Oklahoma's highest criminal court is found a judge whose love for children and for the future best interest of the State is so great that he neither spared himself nor his worthy associates, and finally by a unanimous decision of the whole court sustained the juvenile law and has protected the best interest of the childhood of the State of Oklahoma, for Judge Armstrong leaves nothing vague. It clearly and fairly adjudicates all questions pertaining to the treatment of children in Oklahoma; and may judges of other courts, especially of our beloved State of Tennessee, profit by the great classical work of Judges Armstrong, Furman, and Doyle, to whom, if justice is done, a monument of pure love should be built in the heart of every child-loving man and woman in Oklahoma and the whole world.

The Supreme Court of the State of Oklahoma, in State of Oklahoma ex rel., etc., *v.* The Board of County Commissioners of Seminole County, has shown itself as truly great by the clear, definite opinion written by the true law scholar, Samuel W. Hayes. It has for all time shown that the interests of the children are safe in the hands of Judges Hayes, Williams, Turner, Dunn, and Kane, for, by a unanimous opinion, these learned judges have held affirmatively that the dependent, neglected, and delinquent children of Oklahoma shall have a friend in the person of county probation officers. It is held that a probation officer, when qualified according to law and appointed by the juvenile-court judge, must be confirmed by the boards of county commissioners.

It would be unbecoming for me to comment upon the efforts and labors of the officers of the department of charities and corrections. This I leave to the unbiased judgment of Oklahoma's mothers and fathers, whose best interest it is the sincere wish of this department always to serve, as long as the present personnel have authority to act. To those who are inclined to resent the activity of the commissioner and the department of charities and corrections of Oklahoma, I beg them to remember that all the acts of this department have only one object and one purpose, which is to serve the best interest of all the people, and do our full duty, irrespective of consequences, except the welfare of the whole State of Oklahoma.

In conclusion, I beg to congratulate the people of the State of Oklahoma that our highest judiciary consists of such men as Judges Armstrong, Furman, Doyle, Samuel W. Hayes, Robert L. Williams, Dunn, Turner, and Kane. May they long live and may the State of Oklahoma be always just and generous to the children and the helpless who need the State's help.

A perusal of the opinion of Judges Armstrong and Hayes, published in this number, will convince Oklahoma's citizenship that Oklahoma's justice and law is universal law and true justice, and may it ever be so.

DR. J. H. STOLPER.

INSPECTIONS.

[Dr. R. C. Meloy, State inspector department of charities and corrections.]

The following institutions have been inspected on the dates mentioned and recommendations made, as follows:

OTTAWA COUNTY JAIL,
Miami, Okla., January 4, 1912.

This county is still using the city jail building, which is very poorly arranged for the use of the county.

Recommended: That jail be whitewashed and cells painted at once; that bedding be thoroughly washed and disinfected; that clothing be procured for such prisoners as were suffering from the want of the same; that toilet (right by the bunks, which is open) be inclosed.

CRAIG COUNTY JAIL,
Vinita, Okla., January 5, 1912.

This county having the old Federal jail at Vinita is well equipped.

Recommended: That jail be whitewashed and cells painted at once; that a lot of junk which has accumulated in basement be destroyed.

CRAIG COUNTY POOR HOME,
Vinita, Okla., January 5, 1912.

Owing to the fact that the Federal Government has a specialist on diseases of the eyes, stationed at Vinita at the present time, for the purpose of furnishing free treatment to Indians who are suffering from any such diseases, and owing to the fact that many Indians apply for treatment who have no funds out of which to maintain themselves while staying at Vinita for treatment, the county commissioners opened the county home to such as were residents of Craig County, therefore they are badly crowded, having 14 charges, aside from about an equal number of those taking treatment.

Recommended: That walls of home be treated with a coat of kalsomine, and that great care be taken to guard against the possibility of any infectious eye trouble being communicated to other inmates of the home.

MAYES COUNTY JAIL,
Pryor, Okla., January 6, 1912.

During the year 1911, Mayes County erected a new brick jail, which while not approximating a good jail, is a great improvement over former conditions.

Recommended: That a trap door be placed in the large ceiling ventilator so that it would be possible to close same during extreme cold weather; and further, that it be done at once and without delay; that beef furnished prisoners be properly cooked, and that jail be whitewashed at once.

OKLAHOMA STATE HOME,
Pryor, Okla., January 6, 1912.

Recommended: That an adequate water supply be provided for boiler of heating plant, so that it would not be necessary to again shut down the plant during zero weather, simply on account of the city water system going to the bad.

Further, that under existing circumstances the hospital building be occupied as living rooms temporarily, there being stoves therein, and no one sick at present.

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WAGONER COUNTY JAIL,
Wagoner, Okla., January 8, 1912.

This jail is in very good shape and they are painting the walls at this time.

Recommended: That kitchen be cleaned up and kept in better shape.

—

WAGONER CITY JAIL,
Wagoner, Okla., January 8, 1912.

Recommended: That jail be cleaned up, whitewashed and painted; that proper connection be made to gas stove, the same being in a dangerous condition at present.

—

OKLAHOMA SCHOOL FOR THE BLIND,
Fort Gibson, Okla, January 9, 1912.

Recommended: Sewerage arrangement. Facilities at present very poor.

—

CHEROKEE COUNTY JAIL,
Tahlequah, Okla., January 9, 1912.

This is an old-time prison, and while furnishing plenty of room, is in very poor shape.

Recommended: That sewerage connection be made; that windows be put in place; that concrete floor be put in, the old wooden floor having rotted out; that prisoners be given a change of meat diet occasionally; that the walls of the jail be whitewashed at once.

—

ADAIR COUNTY JAIL,
Stilwell, Okla., January 10, 1912.

Here they occupy a large upstair room which was formerly used as a schoolroom.

Recommended: That the entire jail—walls, floor, tables, kitchen, and bedding—be given a thorough cleaning and disinfecting, and that the walls be then whitewashed.

They are badly in need of sewerage facilities, having none whatever at present.

DR. R. C. MELOY.

Mr. BURKE of South Dakota. I desire to submit a request for unanimous consent. I ask unanimous consent that all gentlemen who have spoken on this question may have five legislative days in which to extend their remarks in the RECORD.

The SPEAKER. The gentleman asks unanimous consent that all gentlemen who have spoken have five legislative days in which to extend their remarks. Is there objection?

There was no objection.

Mr. GARDNER of Massachusetts. Under the leave granted I desire to submit an extract from the hearing in the investigation of Indian contracts before the select committee of the House of Representatives in 1910 from the statement of E. P. Hill, as follows:

Q. Who would be the principal beneficiary if that suit was to result favorably to the plaintiff?—A. ROBERT L. OWEN the principal.

Q. Was he in the United States Senate when any of the legislation relative to this claim was enacted?—A. He was a Member of the Senate when the amendment granting Howe et al. the right to intervene was passed. He was not a member when the original act was passed.

Q. The act was to enable the estate of Charles F. Winton, Mr. Winton being dead, to recover?—A. Yes.

Q. What has been done in that case?—A. We have taken testimony in Minnesota, Colorado, Ohio, Mississippi, Oklahoma, the District of Columbia, and Missouri in that case, and the court has extended the time of taking testimony on the part of some of the intervenors until the 1st of this next October. The case will be ready for brief and argument some time this winter.

Q. Who represents Senator OWEN?—A. Mr. W. H. Robeson, of Washington, whose offices are in the Bond Building.

Q. And you and Mr. McCurtain appear for the Mississippi Choctaws?—A. Yes, sir; and Mr. George M. Anderson, of the Department of Justice, appears for the Government.

Q. Has Mr. McHarg entered an appearance for the Choctaws?—A. No, sir.

Q. Has his attention been called to the suit?—A. No, sir; not that I know of. We have not called his attention to it.

Q. How many are there of the Mississippi Choctaws?—A. My recollection is that there are some fifteen or sixteen hundred of them that were finally enrolled and secured allotments. I think it is approximately that. I might be mistaken for all that. The greatest number of the people with whom Mr. Winton secured contracts, however, were never enrolled, it appears.

Q. I wish you would identify this paper I hand you and tell what it is.—A. This is the printed copy of the record on file in the Department of the Interior at Washington that was printed on request of the department in this case, and was printed and filed in this suit in the Court of Claims and now constitutes a part of the record in this case.

Q. Can you supply this committee a few copies of that record for its information?—A. I will try to.

Q. We don't care to burden this record with that if we can have a few copies for our information.—A. Before you leave that case I want to impress this on your mind: The Supreme Court of the United States has held once unless jurisdiction lays the right of appeal may be had. I have tried to get the right of appeal in this case. It would be a calamity to these people if these claims were sustained in the courts. I have always believed that these people could defeat this act, and I think it nothing but right and just that they should at least be granted the appeal to the Supreme Court of the United States.

Q. Do you think it important that the next omnibus Indian bill have further legislation in regard to this case?—A. I think either party should be granted the right of appeal to the Supreme Court of this case. If I had known of this last legislation, it would not have gotten through without a vigorous protest on my part. I refer to that portion incorporated in the last Indian omnibus bill of May, 1908.

Q. And the probable attorneys' fees in that case would be approximately $6,000,000?—A. It would be more than that. The suit has been a quantum meruit.

The SPEAKER. The question is on the motion of the gentleman from South Dakota [Mr. BURKE] to concur in Senate amendment 99 with an amendment.

The question being taken; on a division (demanded by Mr. BURKE of South Dakota) there were—ayes 24, noes 36.

Mr. CAMPBELL. Mr. Speaker, at this hour in the day and at this time in the session I do not want either to make the point of no quorum or to ask for the yeas and nays. I simply want to protest against the defeating of this amendment, but I refrain from calling for the yeas and nays.

The SPEAKER. The noes have it, and the motion to concur with an amendment is lost.

Mr. STEPHENS of Texas. Does the gentleman from Illinois [Mr. MANN] desire to make any further point against any of these Senate amendments?

Mr. MANN. I want to submit some remarks on several of the amendments.

Mr. STEPHENS of Texas. How much time does the gentleman desire?

Mr. MANN. I do not know how much time; not a great deal.

The SPEAKER. Has the gentleman any motion to make?

Mr. MANN. I understand the gentleman has a motion pending to disagree to all of the Senate amendments.

Mr. STEPHENS of Texas. Yes; and to send the matter back to conference.

Mr. MANN. I wish to be heard on that.

The SPEAKER. The gentleman from Illinois.

Mr. MANN. Mr. Speaker, I call attention very briefly to Senate amendment No. 105, which provides for the construction of a sanitary sewer system in the Platt National Park, Okla., under the direction of the Secretary of the Interior, at an expense of $35,000. I believe the conference report which was agreed to by the conferees provided that this should be divided equally between the Government and the local authorities.

Mr. STEPHENS of Texas. And to be applied under the direction of the Secretary of the Interior.

Mr. MANN. The Committee on Indian Affairs has no jurisdiction of this matter. It is an item which, if it is to go into any bill, ought to go into the sundry civil bill from the Committee on Appropriations. It is a matter that has been pending for a number of years and has been rejected by the Committee on Appropriations. It proposes to involve the Government in the construction of a sewer system for the benefit of a municipality.

Mr. CARTER. It has also been adopted by the Committee on Appropriations since it was rejected.

Mr. FITZGERALD. When?

Mr. MANN. I think the gentleman from Oklahoma is mistaken.

Mr. CARTER. I can give the gentleman the citation, if he will permit me.

Mr. MANN. As I stated, I do not desire to occupy a great deal of time.

Mr. CARTER. On February 25, 1909—page 3172, CONGRESSIONAL RECORD, second session Sixtieth Congress—I offered an amendment carrying $16,000, $15,000 of which was authorized to be spent for a sewer in Platt National Park when the people of Sulphur, Okla., contributed an equal amount. This amendment was adopted without a roll call, there being no opposition whatever.

Mr. FITZGERALD. That was in the Committee of the Whole.

Mr. MANN. Evidently it has not been done and it ought not to be done. The Government is not under any obligation to complete sewer systems for cities. The Platt National Park does not need a sewer system and no other small park needs a sewer system.

Mr. FERRIS. Now, if the gentleman will yield for a short statement before he passes away from this, it may obviate a reply and save time. The Platt National Park was established by two different acts of Congress. It was established on either side of a ravine, and it caused the town to be moved twice. They took up the only outlet in the park that the town of Sulphur has, and that is the reason for this thing. I will say that the department has estimated for it, and the total estimate of the department is $53,455.60. There is much to be said in favor of the statement that this ought not to be on an Indian appropriation bill, but it was placed there by another body and it is here before us and agreed to.

Mr. MANN. Not agreed to.

Mr. FERRIS. Agreed to by the conferees; not adopted. So the proposition is not quite so ferocious as the gentleman from Illinois stated it to be.

Mr. MANN. It is exactly what I stated it to be. I have not any doubt but there are arguments to be made in favor of the proposition, or else no one would have proposed it, but the question is whether any argument can be made sufficiently strong to warrant the General Government in paying out of the Treasury for a sewer system for a city anywhere in the country.

Mr. FERRIS. The department has for three years made the estimates, and have estimated this year for $35,000.

Mr. MANN. Yes; and that estimate went to the Committee on Appropriations and was turned down, and thereupon gentlemen went to the Senate and had the item inserted in the Indian appropriation bill, where it does not belong, after the House had refused to insert it in the bill where it was proper, if it was proper at all.

Mr. FOSTER. If the gentleman will allow me, is not this the same proposition where Congress tried to give this park to the city or the State?

Mr. MANN. I believe so, and when the sundry civil bill was in the House the gentleman from Oklahoma [Mr. FERRIS] himself agreed to eliminate from the sundry civil bill all provision for a sewer in the park.

Mr. FERRIS. I see by reading the RECORD that the gentleman from Illinois has stated that once before. I agreed to the elimination after the gentleman made a point of order on it, which was a very natural thing to do. In other words, when you are forced to agree to a thing you can not help it, and that was the kind of an agreement this was.

Mr. MANN. Why, certainly I made the point of order on the entire paragraph. There were other things in it and the gentleman agreed to have this part stricken out in order that the other things might remain in, and I think common fairness requires the gentleman to stand by his agreement. I stood by mine, and he got in the very things he wanted, which he could not get in over the point of order.

Mr. STEPHENS of Texas. Is the gentleman aware that this was a Senate amendment, put on in the Senate, and was germane, in accordance with their rules, and hence we were compelled to make the best agreement we could with the Senate? There are 157 amendments, and we did the best we could. We cut it in two and required the city of Sulphur to pay one-half.

Mr. MANN. I am aware of the first principles of a conference, which are if one body of Congress, either the Senate or the House, inserts a new proposition which the other body does not agree to, it has to go out in conference.

Mr. FITZGERALD. The gentleman from Illinois does not think there was any lack of insistence on this side?

Mr. MANN. I do not think there was any long discussion.

Mr. STEPHENS of Texas. I trust that is no insinuation against the members of the House conferees.

Mr. MANN. No insinuation, but a plain statement of fact. Probably both gentlemen desired to have it in, but I do not know about that. There is no reflection on the distinguished gentleman from Texas or the distinguished gentleman from Oklahoma.

Mr. CARTER. Mr. Speaker, just a word. I want to relieve the gentleman from South Dakota and the gentleman from Texas, the two other managers on the part of the House, from any responsibility——

Mr. MANN. Oh, the gentleman can not, because the gentleman from Oklahoma [Mr. CARTER], who was one of the conferees, can not deliver the House conferees without the consent of one or the other members of the House conferees.

Mr. CARTER. I understand that; that is perfectly plain. The gentleman did not let me finish. I wanted to relieve them of responsibility to this extent—that both of them were perfectly willing to have that item go out of the bill.

Mr. MANN. If they had said so, it would have gone out.

Mr. CARTER. They did say so.

Mr. MANN. Then they said so winking the other eye.

Mr. BURKE of South Dakota. Oh, Mr. Speaker——

Mr. MANN. Mr. Speaker, the gentleman from South Dakota did not sign the conference report.

Senate amendment No. 110 proposes a departure from the theory of our Government, which in the course of a few years, if adopted, will cost the Government millions of dollars and probably change the method of controlling the public schools of the country. Years ago there was a proposition made by the distinguished Senator from New Hampshire, I believe, Mr. Blair, proposing that the General Government should donate certain amounts of money for the public schools of the country. That proposition was bitterly opposed by the Democratic Members of Congress, if I recall rightly, although I was not then a Member of the House, and in the end it was defeated. Here comes now a bold, simple, cold proposition that out of the Federal Treasury we shall appropriate $300,000 for the common schools of Oklahoma. Gentlemen may say they desire this money because they have Indians to educate. They have no more Indians to educate there than there are colored people to educate in the Southern States, and if the General Government is to appropriate money out of the Federal Treasury for the support of common schools in Oklahoma in order to educate the Indians, by the same reasoning we should appropriate money out of the Federal Treasury to help educate the colored people of the South or of the North or the ignorant people anywhere—or the people, regardless of ignorance—the children of the country; and when they do that they will insist upon having the control over the disposition of the money. If we enter upon this proposition of appropriating out of the General Treasury for the support of the common schools of Oklahoma, then, having common schools in Illinois, we may desire to have money appropriated out of the Federal Treasury to support our schools, if we should retain control of them, and we have no desire in our State to put money into the Treasury in order to have it paid out in Oklahoma for the support of the common schools in Oklahoma, nor do we ask that Oklahoma shall pay money in to pay out for our common schools.

Next there are amendments 111 and 112.

Mr. Speaker, I have been a Member of this House now for several years. I am not very much in favor, ordinarily, of presidential vetoes, and I never before have made this statement on the floor of the House, but if these two amendments remain in this bill I shall consider it obligatory upon myself to urge the President to veto the bill. Amendment No. 111 is, in my judgment, a cold steal for the benefit of an attorney, who has already received $26,000 for services worth nothing like that, if worth anything at all.

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

Mr. MANN. Certainly.

Mr. MILLER. Mr. Speaker, that statement was made by the gentleman from Illinois when this was up before to be referred to conference. I wondered then upon what facts he based his statement. I have since made an investigation to ascertain if such facts exist. I have not been able to find them, and I should be very glad to be enlightened.

Mr. MANN. Mr. Speaker, if I could get a day in the House, or two hours, I think I could convince the gentleman from Minnesota.

Mr. BURKE of South Dakota. There is no dispute about that.

Mr. MANN. And I am sure that I could convince the House. I have a stack of papers an inch thick upon this subject which I have gone through and which I think conclusively demonstrates that this is a proposition to take money out of the Treasury to pay an attorney for services never rendered.

Mr. MILLER. Mr. Speaker, is the gentleman aware that there is not one cent of attorneys' fees in that item?

Mr. MANN. I am aware of what it says.

Mr. STEPHENS of Texas. Mr. Speaker, will the gentleman permit me to read that amendment?

Mr. MANN. No; but I will read it if the gentleman desires me to.

Mr. STEPHENS of Texas. There is not a word of anything about attorneys' fees in there at all.

Mr. MANN. Mr. Speaker, I will read the item. The item is for the purpose—

of reimbursing the trust funds of the Kickapoo Community in Mexico, said funds having been created under the provisions of an act of Congress of April 30, 1908—

And that statement is not correct—

for legal expenses necessarily incurred in defending said community, its funds, lands, and members from fraud.

The fact is that most of the services rendered were in themselves fraudulent, for the purpose of swindling the Indians out of an appropriation which Congress made to pay them, and $26,000 was taken out of a fund of only two or three hundred thousand dollars or less, for the payment of the attorney in the case.

Mr. BURKE of South Dakota. Mr. Speaker, for the information of the gentleman and other Members of the House, I want to say that $215,000 was appropriated for the Mexican Kickapoos. The gentleman that he referred to received twelve or twelve and a half per cent of that amount. He also received $86,000 of the $215,000 which belonged to that portion of the tribe that were in Mexico. It was paid him and he retained out of that, according to his own statement, $8,000 that he said that he had expended for the Indians prior to that time, so he got $26,000 in the fee, $8,000 to reimburse himself, and then had the balance of the money to disburse supposedly for the benefit of the Indians, but he accounts to no Government official for the expenditure of the money.

Mr. MANN. He expended a part of it by buying property in Mexico for a portion of the Indians, the title to which he took in himself and now retains.

Mr. MILLER. Admitting the statement of the gentleman from South Dakota, it has not any bearing at all on the reimbursement of the Kickapoo Tribe for moneys actually expended which is the result of absolute fraudulent acts on the part of——.

Mr. MANN. There is no charge.

Mr. MILLER. I make the charge now.

Mr. MANN. The gentleman can make the charge, but——

Mr. MILLER. I can make the charge just as strong as the gentleman from Illinois and based on just as good facts.

Mr. MANN. The gentleman can make them very strong without facts, and this is one of those times.

Mr. BURKE of South Dakota. In order to keep the record straight, I want to say this money that is now claimed, every dollar of it, I believe, with the exception of a few hundred, was expended at the time when Congress made the appropriation of $215,000, and the appropriation expressly provided that before the money could be obtained the Indians had to file a receipt in full, and I refer the gentleman to the act, and this is simply a claim based upon the supposition that the money was expended after that, when, in fact, nearly all of it, if expended, was expended before.

Mr. MANN. Now, let us see what the Senate amendment provided—not that this money should be disbursed by the department controlling Indian affairs, not that it shall be controlled in any way, not that vouchers should be presented, not that anybody should scan the matter, but that it should be paid to one Okemah; and the House conferees agreed to it, saying that it should not be paid to one Okemah, but should be paid to Messrs. Okemah, Jim Deer, Pah ko tah, Owue mah them, and Wah pe che quah [applause], all of whom are mere puppets of the attorney against whom the charge is made, all of whom are under the thumb of the attorney, all of whom are mere puppets controlled by the attorney, who is desirous of obtaining this money for himself.

Mr. STEPHENS of Texas. If the gentleman will see, I submit this, showing that the gentleman is not correct. Under the seal here are the thumb marks of these Indians, showing that they agreed to hold Okemah as trustee.

Mr. MANN. I have no doubt the gentleman can get these old Indians with their thumb marks to sign anything. That is what I said—they are under the control of this man, and they will do whatever he tells them to do; and the intention is, if this item goes through, to have them pay this money over to this attorney, who himself has helped to swindle these Indians already.

Now, here is another item, 112, which provides that the Secretary of the Interior be, and he is hereby, authorized and directed to immediately cause to be deposited to the credit of the Indian owner in the First National Bank of Douglas, Ariz., all money known as lease money now on deposit with or in any manner under the control of the agents and officers of the Interior Department and all like money due or becoming due or collectible by them prior to the 1st day of January, 1904, and so forth. The receipt by such bank for any such money shall operate as a receipt of the Indian owner and as a complete release of all liability on the part of the officer paying the money as herein directed. If they have any lease money, we have adequate machinery by which we can pay it to the Indians to whom it belongs, but here is this fine-haired, delicate proposition to have the Government pay it all over to a bank and take a receipt of the bank. To do what? To do as it pleases with the money within the authorization provided.

And, by the way, I would call the attention of the conferees to the fact that, under the terms of the proposition which they submitted, the Government would now be required to send checks for all the money that would be due or collectible prior to the 1st day of January, 1914, although not yet collected; and that the Government would now pay out the money which would not be collected in for more than a year. But the proposition itself is fixed, even with the conference report, so that these checks go to the bank payable to the Indians, in order that the Indians, under the control of this same man, will turn the money over to him or pay his fees and services out of the amount. If we have any money due to these Indians, we have ample administrative machinery by which we can pay it to them.

Then there is Senate amendment numbered 114, which I think I shall not discuss to any extent. It was referred to here yesterday, I believe. I can see no reason why we should buy farms for the Apache Indians whom we discharge from their nominal confinement. Those who wish to go to another Indian reservation, I am perfectly willing, so far as I am concerned, to pay the expenses for transporting them there. I do not think the time has come when the Government of the United States is under obligations, when it discharges a man from prison, to buy him a home for him to squander or do otherwise with.

Mr. FERRIS. May I interrupt the gentleman there?

Mr. MANN. Certainly.

Mr. FERRIS. I think the gentleman would hardly want to state that the same rigid, harsh rules with reference to the discharge of an ordinary hardened criminal should be applied to women and children that are born in captivity, would he? Out of these 257 that are there in captivity, and have been there for 26 years, only 30 of them were even alive when the atrocities for which they were incarcerated were committed. So that the gentleman's rule might be a correct one so far as the guilty 30 are concerned, but it certainly would be an incorrect one so far as my own sense of justice is concerned as to the 227 that have been born since these atrocities were committed.

Mr. MANN. These people have been in nominal captivity. If we have retained them in captivity, that is no reason why, if we should discharge them, we should deal better by them than we do with people who have not been even in captivity. Is it proposed that we shall have to buy a farm for every Indian in the country who has not one at present, and every time a child is born to Indian parents that we will have to provide a farm for that Indian? The fact that they have been in captivity makes no difference. That has been a nominal captivity. We give them their freedom, as these people who were born in captivity were entitled to their freedom at any time.

Mr. FERRIS. If the gentleman will permit, this is a matter that comes up in my home county. If I may ask the gentleman a question, I think it will economize time. If these women and children, 227 of them that have been born and raised since the original offenders were captured, had been out of prison all these years the Federal Government has had in that time plenty of opportunities to allot them, and doubtless would have done so by giving them allotments. Now, they have been kept there homeless and defenseless all these years unable to assert their rights until the public lands that are suitable are all gone on which they can be properly allotted. Does not the gentleman think that after they have been kept there 26 years the Government ought to feel a little duty toward starting them off as other Indians are started off? If not, why not? This is not an Oklahoma item; it is a national item. If not attended to we will be subject to criticism.

Mr. MANN. The gentleman has given his reasons for supporting the proposition. It is in his district. It is not to his discredit. Looking after his district, as he always ably does, he seeks to obtain for them something he would not be in favor of if they had been in my district. But we can look at the matter a little more impartially than my friend can on the ground of personal interest. I have no bias against any of these people, but where we take Indians and hold them in captivity that does not mean, when we are willing to discharge them from captivity, we are under obligations to do better by them than we would if there had never been any occasion for putting them in captivity.

Then, the Senate amendment 117 is a long amendment, in reference to various tribes of Indians in Oregon. I will confess I know nothing whatever concerning the merits of the proposition. I know it has no place in this bill.

I know it has no place in this bill. It never has been discussed here. No one has ever said a word about it in the House. It is two or three pages long, providing for the payment of a number of Indian claims. Let the Committee on Indian Affairs bring in a bill concerning the matter and let it be considered in the House, so that the House can dispose of it.

I notice among other provisions of that amendment—

Provided further, That the Secretary of the Interior shall find and investigate what attorney or attorneys, if any, have rendered services for or on behalf of said Indians, and shall fix a reasonable compensation to be paid said attorney or attorneys for their services in prosecuting the claims of said Indians hereunder.

Of course that is the real meat in the shell.

Mr. LAFFERTY. Will the gentleman yield there? That is in my district, partially.

Mr. MANN. I suppose, if the gentleman wants to get the money out of the Treasury, I will have to yield to him. [Laughter.]

Mr. LAFFERTY. Mr. Speaker, this amendment, No. 117, provides for final settlement with six different Indian tribes for lands in the State of Oregon which they ceded by treaty to the Government over 50 years ago. They voluntarily abandoned and relinquished the possession of those lands to the Gov-

ernment at that time, and peaceably. The Government has got the benefit of the lands. The Indians never received the money that the Government agreed to pay them for the lands. The Indians and their descendants are now scattered all over the United States. Some of those Indians are in Oklahoma, some are in the State of Washington, and some are in the State of Oregon.

Now, two attorneys in the State of Oklahoma, one attorney in the State of Oregon—a very able attorney, too, Mr. Harris Nallon—and one attorney here in the District of Columbia have performed valuable services in presenting this whole matter to the Court of Claims. The Court of Claims found that the meager allowance of $66,000 for the six tribes was just and ought to be paid.

Now, then, the Secretary of the Interior is authorized by this amendment only to investigate and find out what reasonable amount, if anything, ought to be paid to these attorneys. The Secretary is authorized to make up a roster of the descendants of these Indians, and, if found to be lineal descendants, to pay them such proportional amounts as they may be entitled to.

Mr. BUTLER. If you do not know who these Indians are, who set this in motion?

Mr. LAFFERTY. A census of them had to be taken in order that they might be located. This matter has been going on practically ever since the treaties were made, and two of those tribes have received favorable reports from the House Indian Committee in years gone by. All of these six tribes have time and time again secured the passage of bills through the Senate for the payment of these just claims. This year the six bills were introduced in the House, and also in the Senate by the junior Senator from Oregon. The bills came up and were discussed before the subcommittee of the House Committee on Indian Affairs and favorably considered, but in the meantime the junior Senator from Oregon procured the favorable action of the Senate—procured the passage of the bills in the Senate—and when the Indian bill went over there he procured their insertion in this bill, and the House conferees agreed to it.

I know that this is a just claim. Nothing can be paid without the approval of the Secretary of the Interior. He must first find out under the terms of the bill that these are the lineal descendants of the Indians who owned the land and that they have not been paid for it. They have lost all the interest and they have lost the use of the money for half a century.

Mr. MANN. Mr. Speaker, the gentleman from Oregon [Mr. LAFFERTY] a moment ago stated—at least I understood him to state—that the money was not to be paid to the Indians unless the Secretary of the Interior found it ought to be paid to them. That is not the case under the amendment. The amendment says:

> That there be paid to the Tillamook Tribe of Indians of Oregon the sum of $10,500, to be apportioned among those now living and the lineal descendants of those who may be dead by the Secretary of the Interior as their respective rights may appear.

There are a number of other items of the same sort. It requires the payment of this sum of money to the Indians, and if there should be only one Indian found of the tribe, he is to receive the entire amount, and it is not left to the discretion of the Secretary as to whether the money is owing to the Indians at all. There is no discretion in reference to it, except the discretion of the Secretary to find the lineal descendants of the Indians. Here are claims based upon treaties made in 1851.

Mr. LAFFERTY. I think the gentleman has overlooked the proviso, in line 9 of page 51, which, if the gentleman will permit, I will read. It says:

> *Provided further*, That if, after investigation by the Secretary, he shall find that all of the Indians of either of said tribes or bands and their lineal descendants are dead, then none of the money hereby appropriated for such tribe or band shall be paid to any person for any purpose.

Mr. MANN. No, Mr. Speaker; I have not overlooked that provision. I said if he could find one Indian he would have to pay the entire amount to the one. The only case where he may not pay the money is where he can not find the Indian or a descendant of the Indians.

Mr. LAFFERTY. If he finds a descendant of the tribe, why should he not pay the money to the descendant of that tribe?

Mr. MANN. No, Mr. Speaker; I stated that I do not know the merits of this question. No one else here knows. Treaties were made in 1851. Claims have been handed around Congress for many years. The Committee on Indian Affairs has had the bill pending before it and has not reported upon it. Thereupon the attorneys in the case slip over and have an amendment inserted in this bill in the Senate, carefully providing that the attorneys' fees shall be paid.

It has no place in this bill. It is purely a claim. Let it come before the House in the regular manner, when it can be properly considered by the House and the Committee on Indian Affairs can make a report of the facts in the case.

Mr. STEPHENS of Texas. Will the gentleman allow me to read a few sentences from the department, in justification of this matter?

Mr. MANN. Certainly.

Mr. STEPHENS of Texas. This is what the department says about it:

> 117. The amendment, beginning with line 17, page 54, and running down to line 7, page 57, authorizes the payment of certain amounts to Tillamook and other tribes of Indians in Oregon. The claims of these Indians have been carefully investigated by the department. These Indians ceded large tracts of valuable land to the Government for a very nominal consideration and have never received full compensation for those lands. The records show that the lands ceded by these Indians to the Government were subsequently sold by the Government for many times what the Government promised to pay to the Indians, and it does not appear that the promise of the Government was fully kept. The department has reported favorably on Senate bills 4533 to 4537. While the department is not disposed to recommend that claims of this nature be incorporated in the Indian appropriation bill, yet if Congress sees fit to enact this legislation it will reimburse worthy bands of Indians for money that has long been due them by the Government.

And whether it comes in an Indian appropriation bill or any other kind of a bill, it is the duty of this Government to pay its debts to white, black, and red alike. [Applause.]

Mr. MANN. I am sorry that the chairman of the Committee on Indian Affairs favors the payment of these claims. These bills have been pending before the Committee on Indian Affairs. Why has not the chairman of that committee reported bills into the House with the facts? Because they were afraid of the light of day which would be shed upon the bills when they came before the House, where they could be discussed.

Mr. STEPHENS of Texas. Is the gentleman aware of the fact——

Mr. MANN. Here are six or seven bills, included in one item in a single amendment, where it is impossible to discuss them properly and fully.

Mr. STEPHENS of Texas. Is the gentleman aware that it is almost absolutely impossible to take care of all the various bills that come before this House, where not more than one in a hundred receives consideration?

Mr. MANN. I am aware that all the meritorious bills, as a rule, receive consideration, and I know that if the gentleman properly attends to his duties as chairman of the Committee on Indian Affairs, as I believe he intends to, he will see that meritorious bills do receive consideration in his committee and are brought before the House. The gentleman's committee occupies as much of the time of this House as any other committee in it.

Mr. BURKE of South Dakota. Will the gentleman yield for a suggestion?

Mr. MANN. I yield.

Mr. BURKE of South Dakota. The gentleman has had a great deal of experience in serving on conference committees, and he must take into consideration the fact that in this bill the conferees eliminated several millions of dollars. The bill was doubled in the other body, as compared with what passed the House. The conferees succeeded in eliminating a very large part of that amount. These claims aggregate only about $66,000, and the State most concerned was represented on the conference committee by a Senator. The gentleman certainly will take into consideration the fact that the House conferees can not have their own way on everything.

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

Mr. BURKE of South Dakota. Certainly.

Mr. FITZGERALD. The appropriation in this particular amendment is for attorneys' services. Were those services rendered before the committee?

Mr. BURKE of South Dakota. Mr. Speaker, I want to say that, so far as these claims are concerned, they do not stand in the class of claims that I have repeatedly objected to, where large attorneys' fees have been collected and paid where an attorney never appeared before any committee of either the House or Senate, but simply secured legislation by lobbying methods. The attorneys who have been pushing these claims are reputable attorneys, who have appeared from time to time before committees of the House and Senate and in the present Congress. The attorneys in some of these claims appeared before a subcommittee of the House Committee on Indian Affairs in the present session of Congress. The same was true in the last Congress; and in my experience on the Indian Committee I have never met attorneys who have more honestly and openly, and in a proper, lawyerlike way, presented their claims than these claims have been presented by the attorneys who represent the claims in this bill that the gentleman from Illinois [Mr. MANN] is objecting to.

Mr. FITZGERALD. That may be; but if the statement of the gentleman from Texas [Mr. STEPHENS] be correct, that the Department of the Interior takes the position that from all the information in its possession certain sums are due these Indians for lands taken, what necessity is there for attorneys to be employed by the Indians, so that the moneys actually due them shall be reduced by some amount because of fees for the presentation by these attorneys to the committee of facts that ought to be pressed by the executive departments of the Government?

Mr. BURKE of South Dakota. Largely because, unless a lawyer is present, the matter would not receive the attention it should by Congress.

Mr. FITZGERALD. That is rather a surprising statement, that, however meritorious a question may be, it will not receive the attention of Congress unless an attorney handles it.

Mr. BURKE of South Dakota. I do not want the gentleman from New York to assume that I am in favor of claims being put on Indian appropriation bills, because if I could have my way there would not be any claim on an Indian appropriation bill of any amount—more than a few hundred dollars—where there was some mistake in administration.

Mr. MANN. If you get three conferees with the proper amount of backbone, there would be no trouble about eliminating all claims. I have served on conference committees a good many times, and it is unnecessary to tell me that you have got to swap off and divide up in conference. I have gone into conference repeatedly where items were included in a bill that had no proper place there, and I never have agreed to one yet, and I never have failed to come back with a conference report. When the conferees meet and one House insists on a proposition which the other will not accede to, the House that insists must yield.

Why, here we have a conference on the sundry civil bill. The Senate of the United States is strongly in favor of a Tariff Commission. The House is strongly opposed to it. The conferees might remain in session until the lower regions froze over, and do you not know that in the end the Senate is bound to yield, because it is insisting on a new item in the bill which the House will not agree to, and it would be the same way if it were reversed.

Mr. STEPHENS of Texas. Will the gentleman yield?

Mr. MANN. Yes.

Mr. STEPHENS of Texas. Has the gentleman examined the figures of the Indian appropriation bill, and does he know what we have done?

Mr. MANN. I know that I have examined the figures, and the gentleman makes a great claim that they have cut out some items to which I have called attention, one item which amounted to more than $3,000,000, which the gentleman defended and left out of the bill. That has nothing to do with it.

The other day the gentleman from Georgia went into conference on the aid to navigation bill, and there were many Senate amendments to it. When the conferees came back there was just one Senate amendment agreed to, and the rest were all disagreed to, and the Senate had receded.

I have repeatedly gone into conference on such bills when there were dozens and dozens of items. Did we go on the theory that we would give the Senate a few of the items they had inserted in the bill? Not at all. Those items which we were not convinced ought to be in the bill went out of the bill. That is where they ought to go, and that is where they will go now if the gentlemen on the conference committee have the backbone to say so. These items of claims have no place in the bill, and the Senate knows that they have no place in it. They inserted them practically by unanimous consent, and if the House says that this is not a bill where the items belong the Senate will recede.

Mr. STEPHENS of Texas. Is the gentleman aware that the bill as it passed the Senate carried $16,383,000? After we went from conference it carried $9,836,000. We have cut it down nearly one-half. Has the gentleman ever exceeded that?

Mr. MANN. Yes; repeatedly.

Mr. STEPHENS of Texas. Is the gentleman aware that we have saved over $7,000,000?

Mr. MANN. That is no reason for allowing items to remain in the bill that ought not to be there.

Mr. STEPHENS of Texas. There is no item in the bill but that we can readily and easily defend and that the department is in favor of. We have put claims in the Indian bill that are justly due.

Mr. BUTLER. Will the gentleman allow me a question?

Mr. MANN. Yes.

Mr. BUTLER. I want to ask the gentleman from Texas how much the bill now carries in excess of the House bill as it passed?

Mr. STEPHENS of Texas. About a million dollars. We cut it down $7,000,000. We have agreed to $9,826,000 instead of $16,000,000, as it came from the Senate, and still the gentleman from Illinois is not satisfied.

Mr. MANN. I am not satisfied. You did cut out a lot of bad claims to which I called attention at the time. Now, go back and cut out the rest of the rotten steals in the bill, and I will be glad to approve of what you do.

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

Mr. MANN. Certainly

Mr. CANNON. This is a bill for the Indian service for the fiscal year 1913, is it not?

Mr. MANN. It is.

Mr. CANNON. Do I gather from the gentleman's statement that it has been turned into a claims bill?

Mr. MANN. That is precisely what was done with it.

Mr. CANNON. For matters that are alleged to have occurred in the past? If it is to pay judgment, then another bill would carry it. If it is to pay claims, why, there are Claims and War Claims Committees to consider them. I would be very glad to be informed on the matter.

Mr. MANN. These claims to which I have just been alluding accrued over 60 years ago.

Mr. BURKE of South Dakota. And that is a good reason why they should be paid.

Mr. MANN. That is a good reason why they should be considered in the House before they are agreed to by a conference committee on a Senate amendment, the prime purpose of them being to pay attorneys' fees.

Mr. FERRIS. Mr. Speaker, it is fair to say that every amendment which the gentleman has criticized is a Senate amendment.

Mr. MANN. Certainly. I could not criticize anything else.

Mr. FERRIS. The gentleman does not desire to.

Mr. MANN. I could not criticize anything else. There is nothing else before the House.

Mr. BUTLER. Is that amendment for the public schools a Senate amendment?

Mr. FERRIS. Yes.

Mr. STEPHENS of Texas. What objection has the gentleman from Illinois to my motion that we send this back to conference?

Mr. MANN. Oh, I have no objection to that, but I am going to ask a separate vote on certain amendments.

Mr. STEPHENS of Texas. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Speaker, I do not believe the conferees on this bill should agree to Senate amendment 105 in any shape. It has no place in this bill at all. It is an amendment to provide for the building of a so-called sanitary sewer through the Platt National Park. The House conferees agreed with an amendment providing that one-half should be paid by the city of Sulphur. The city of Sulphur has about 4,000 people. Two years ago, according to the Secretary of the Interior, it was bankrupt. It could not pay a dollar toward the construction of this sewer, if that were the only contribution exacted by the Federal Government. This park is the whole industry of the city of Sulphur in the State of Oklahoma. Without it there would be no city of Sulphur. These people are despoiling the park.

Mr. STEPHENS of Texas. Mr. Speaker, is the gentleman aware that it is the county seat of one of the best counties in Oklahoma?

Mr. FITZGERALD. I know a good deal about it, I will say to the gentleman. We tried to give this park to the State of Oklahoma—842 acres, with mineral springs of the most marvelous character ever described, whether in poetry or prose.

Mr. CARTER. Was the gentleman for or against that?

Mr. FITZGERALD. But lest the State of Oklahoma might be compelled to spend some money on it, the gentlemen from Oklahoma on the floor of the House prevented the United States Government donating the park to the State in accordance with the Indian treaty.

Mr. CARTER. Was the gentleman for or against that proposition?

Mr. FITZGERALD. I was in favor of it.

Mr. CARTER. Can the gentleman tell that from reading his speech?

Mr. FITZGERALD. Mr. Speaker, I think it is about time that the conferees on appropriation bills coming from this House that do not originate in the Committee on Appropriations should stop consenting to Senate amendments which do not belong on the bills. The Committee on Appropriations has jurisdiction over this item for the Platt National Park.

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

Mr. FITZGERALD. Yes.

Mr. MILLER. If this item should be submitted to the Committee on Appropriations, would the gentleman consent that it go on any of the appropriation bills?

Mr. FITZGERALD. I would not.

Mr. SHERLEY. And it ought not to.

Mr. FITZGERALD. It should not go on any.

Mr. MILLER. Maybe not, but we differ about that.

Mr. FITZGERALD. And the Committee on Appropriations has repeatedly refused to permit it to go into any appropriation bill. In this appropriation bill, and in four other appropriation bills over which other committees of the House have jurisdiction than the Committee on Appropriations, the Senate in this session of Congress have placed provisions which, after careful investigation, the Committee on Appropriations of the House has rejected, and in every instance the managers representing the House upon these bills have accepted these amendments in the first instance. I think it is about time that these gentlemen attended to their own business, and when matters over which they have no jurisdiction are placed in these bills they should do what the managers representing the Committee on Appropriations do under similar circumstances—tell the Senate to put them upon bills where they properly belong.

There is an amendment in this bill appropriating money for the Public Health and Marine-Hospital Service, and the Committee on Indian Affairs has no jurisdiction over that service. If the Public Health and Marine-Hospital Service is required in the Indian country, application should be made to the proper committee of the House. I agree thoroughly with the gentleman from Illinois [Mr. MANN] as to certain other amendments.

Mr. STEPHENS of Texas. Is it not a fact that we look after the health of the Indians and that this Marine-Hospital Service is well equipped for that duty and could perform it more efficiently than any other department of the Government?

Mr. FITZGERALD. It is not. The Public Health and Marine-Hospital Service to-day claims it has not sufficient men to do the work which properly devolves upon it under the law, and because the gentleman assumes its facilities to do this work he incorporates upon this bill an appropriation of $10,000 to enable that service to make an investigation, while the President the other day requested Congress to appropriate $250,000 in order that the work be properly done.

It just shows that either the President is very much mistaken as to what is necessary or that these gentlemen, not having the information, are attempting to devolve upon a service that has no connection at all with the Indian service, has no money to spend for this service, duties that should not be devolved upon it.

Mr. STEPHENS of Texas. Does the gentleman believe that more than $4,000 could be used between now and next winter when the next bill will be in?

Mr. FITZGERALD. I do not know whether it can or not, but I know the Senate amendment was $10,000, and I think the Public Health and Marine-Hospital Service claims now that it has insufficient men properly to do the work at this time in the duties which it should discharge.

Mr. Speaker, the gentleman from Illinois did not call attention to the peculiar features of Senate amendment numbered 117, relative to these attorneys' fees. The gentleman from Texas stated that the department states there is money due these Indians, and the facts well establish it, and yet here is this provision, and most of the scandals growing out of the Indian service during my service in this House are because of provisions incorporated in the Indian appropriation bills providing for attorneys who have rendered or claimed to have rendered service to various Indians. The provision is:

Provided further, That the Secretary of the Interior shall find and investigate what attorney or attorneys, if any, have rendered services for or on behalf of said Indians, and shall fix a reasonable compensation to be paid said attorney or attorneys for their services in prosecuting the claims of said Indians hereunder, which compensation, if any, shall be paid out of the sum hereby appropriated, in full payment of services rendered; and the decision of the Secretary of the Interior with respect to the attorneys and their compensation shall be final and conclusive.

My recollection is that there is a general statute which provides for contracts to be made by Indians with attorneys, with a limitation upon the amount that can be paid, and they are valid only when approved by the Secretary of the Interior.

Mr. LAFFERTY. Will the gentleman yield for a question there?

Mr. FITZGERALD. I yield to the gentleman.

Mr. LAFFERTY. The fact is——

Mr. FITZGERALD. I yielded for a question, not a speech.

Mr. LAFFERTY. The gentleman is not aware, is he, that this provision in this bill is a limitation upon the rights of these attorneys, not an extension of any rights to them, because——

Mr. FITZGERALD. Has the gentleman asked his question?

Mr. LAFFERTY. The gentleman did not know that, did he?

Mr. FITZGERALD. No; I did not. I find that that is a provision, Mr. Speaker, which absolutely validates the claims of these attorneys without any information before the House as to whether the contract was properly approved before they started their services.

The only service rendered apparently is in presenting information to committees of the two Houses of Congress, information which existed in the Interior Department and which is of such a character that the Secretary of the Interior insists that these sums of money are due and should be paid; but it seems to be unfortunate that no individual claiming any money on a meritorious case, no matter how clear the facts, no matter how certain the claim, no matter how positively it is established by the Department, no bill can ever be considered or be favorably acted upon by Congress unless some attorneys, or some so-called attorneys, have contracts, some of them obtained during the services of some men in Congress who afterwards turn up as beneficiaries under them; others under equally unsavory circumstances, in which whatever is to be paid to the Indians must be shared by some of these so-called attorneys.

I think it is time for Congress to stop the practice. We had an illustration the other day where over $200,000 was paid out of the Ute Indian moneys for services of so-called attorneys rendered before committees of Congress. Some compensations have been paid to men who had served in one or the other Houses of Congress at the time the contracts were made under which compensation was paid. I do not believe it reflects credit upon Congress and I do not believe we can justify such action.

The SPEAKER. The time of the gentleman has expired.

Mr. FITZGERALD. I hope this will not appear in the bill as finally agreed upon.

Mr. LAFFERTY. Mr. Speaker——

Mr. STEPHENS of Texas. I would like to have an agreement and would ask that debate on this matter close at 5.30.

Mr. MANN. How much more time does the gentleman want?

Mr. STEPHENS of Texas. A very few minutes on our side. Mr. Speaker, I believe the gentleman from Illinois has used one hour, and we would like to reply in half an hour, and I ask that debate close at 5.30.

The SPEAKER. The gentleman from Texas asks that debate on this matter close at 5.30. Is there objection? [After a pause.] The Chair hears none.

Mr. FERRIS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. FERRIS. The situation as I understand it is the chairman of the conference committee moves to disagree to all the Senate amendments.

Now, the only thing at issue is the Senate amendments. What do we gain if we debate this all day? The gentleman here seeks a vote on it; the chairman of the committee asks to disagree to everything. What is the issue here?

The SPEAKER. The Chair can not tell what anybody will gain.

Mr. STEPHENS of Texas. I ask for a vote, Mr. Speaker.

Mr. LAFFERTY. Mr. Speaker, I would like to have five minutes.

Mr. STEPHENS of Texas. Mr. Speaker, I move that the debate close in five minutes.

The SPEAKER. The gentleman from Texas asks that debate close in five minutes. Is there objection? [After a pause.] The Chair hears none, and the gentleman from Oregon [Mr. LAFFERTY] is recognized.

Mr. LAFFERTY. Mr. Speaker, I do not know how other Members feel about the business of this House, but so far as I am concerned I am growing the least bit weary of two or three men attempting to run the business of this Nation in the House of Representatives. The people of the United States elect their Representatives and send them to Washington, and when they arrive here the House is organized by the selection of its proper committees, and if we can not trust those men to do their duty honestly and faithfully, then our representative system of government is a failure and we had better have a monarchy. I do not believe in any one man setting himself up as having a monopoly upon the wisdom of this House or the wisdom of this Nation.

Now, objections have been made to amendment 117, one by the gentleman from Illinois [Mr. CANNON], the ex-Speaker, who said this was not a proper bill on which such an amendment should be placed. The title of this bill is:

An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes.

The object of this amendment is to fulfill six treaties with six Indian tribes and their lineal descendants. Objection is made by the gentleman from New York [Mr. FITZGERALD] on the ground that the committee framing this bill, or this amendment, took the extreme precaution of providing that no lawyer or set of lawyers should collect more compensation than the Secretary of the Interior might prescribe. These lineal descendants of these Indians are now full citizens of the United States. We do not know but that they have 40 or 50 per cent contracts with some of these attorneys, and therefore the limitation in this bill is a precautionary measure rather than one extending any rights to any lawyer. For that reason the objection of the gentleman from New York falls to the ground.

I have already adverted to the gentleman from Illinois who said that this was not a proper bill in which this item should be carried. If this is not a proper bill to carry an item paying a debt which the Indian Department says the Government owes, making the statement after it had sent Indian agents to visit the various States and investigate the facts—if it can not be proper on an Indian bill, passed for the purpose of carrying out treaty obligations, I ask, in Heaven's name, in what sort of a bill could it be included?

Mr. MANN. Mr. Speaker, I ask for a separate vote on amendments Nos. 105, 110, 111, 112, 114, and 117.

The SPEAKER. The question is on the motion of the gentleman from Texas [Mr. STEPHENS] to further insist on amendment No. 105.

Mr. MANN. Mr. Speaker, I am willing to take a separate vote on the six amendments together.

The SPEAKER. The question is on the motion of the gentleman from Texas [Mr. STEPHENS], chairman of the Committee on Indian Affairs, to further insist on the disagreement to Senate amendment No. 105.

Mr. STEPHENS of Texas. All of them en bloc.

The SPEAKER. The gentleman from Illinois asks for a separate vote on amendments Nos. 105, 110, 111, 112, 114, and 117. The motion of the gentleman from Texas is to further insist on the House disagreement to all of the Senate amendments and ask for a further conference.

Mr. CARTER. Mr. Speaker, if there is going to be a separate vote on these different amendments, some of which I am greatly interested in——

A MEMBER. Oh, let it go.

The SPEAKER. The gentleman from Illinois is entirely within his rights in demanding a separate vote on these different amendments.

The question is on the motion of the gentleman from Texas as applies to these six amendments.

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. MANN. A division, Mr. Speaker.

Mr. CARTER. In those six amendments is there included——

Mr. MANN. We are voting now.

The SPEAKER. Debate is out of order.

Mr. CARTER. Then I make a parliamentary inquiry. Does the motion of the gentleman from Illinois [Mr. MANN] include amendment 110 as to Oklahoma schools?

Mr. MANN. It does.

Mr. CARTER. The gentleman wants a separate vote in order to instruct us to knock that amendment out?

The SPEAKER. The motion is not to instruct anybody as to anything.

Mr. CARTER. It is all right then.

The SPEAKER. The question is on the motion of the gentleman from Texas as to the six amendments.

The House divided; and there were—ayes 71, noes none.

So the motion was agreed to.

The SPEAKER. The vote is now on the rest of the motion of the gentleman from Texas [Mr. STEPHENS] to insist on the disagreement to all the rest of these other amendments and ask for a conference.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. Does the Senate ask for a conference?

Mr. STEPHENS of Texas. The Senate did not ask for a conference, but I am proposing to ask for a conference. They appointed conferees, but did not ask for a conference.

Mr. MANN. Then the motion is to agree to a conference that has not been asked for.

Mr. STEPHENS of Texas. The Senate did not ask for a conference, I may say to the gentleman.

The SPEAKER. The Clerk informs the Chair that the Senate conferees were appointed, and then the announcement of their appointment was rescinded. The Clerk will report the order.

The Clerk read as follows:

Resolved, That the Senate disagrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H. R. 20728.

Mr. UNDERWOOD. Mr. Speaker, that is the original order, I understand, that sent the bill to conference. There is another order there, I believe.

Mr. STEPHENS of Texas. I think it is on the other side of those papers.

The SPEAKER. That is the order made on August 19.

Mr. MANN. I understood that the Senate agreed to the conference report.

The SPEAKER. The Clerk will read the order over again.

The Clerk read as follows:

Resolved, That the Senate disagrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H. R. 20728.

Mr. STEPHENS of Texas. Then I ask, Mr. Speaker, that a further conference with the Senate on this bill be asked for.

The SPEAKER. The gentleman from Texas moves that the House further insists on its disagreement to the Senate amendments, and asks for a further conference. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER. The Chair will announce the following conferees on the part of the House.

The Clerk read as follows:

Mr. STEPHENS of Texas, Mr. CARTER, and Mr. BURKE of South Dakota.

ENROLLED BILLS SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 16571. An act to give effect to the convention between the Governments of the United States, Great Britain, Japan, and Russia for the preservation and protection of the fur seals and sea otter which frequent the waters of the North Pacific Ocean, concluded at Washington, July 7, 1911.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 7157. An act to make uniform charges for furnishing copies of records of the Department of the Interior and of its several bureaus;

S. 6688. An act to repeal section 13 of the act approved March 2, 1907, entitled "An act amending an act entitled 'An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes'";

S. 6763. An act to authorize the cities of Bangor and Brewer, Me., to construct or reconstruct, wholly or in part, and maintain and operate a bridge across the Penobscot River between said cities without a draw;

S. 5882. An act to extend the time for the completion of a bridge across the Missouri River at or near Yankton, S. Dak., by the Winnipeg, Yankton & Gulf Railroad Co.; and

S. 4753. An act to amend an act entitled "An act to provide for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes," approved April 26, 1906 (34 Stat. L., p. 137).

ORDER OF BUSINESS.

Mr. LEVER. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 22871) to establish agricultural extension departments in connection with agricultural colleges in the several States receiving the benefits of an act of Congress approved July 2, 1862, and of acts supplementary thereto.

Mr. UNDERWOOD. Mr. Speaker, pending that motion, I desire to ask the gentleman from South Carolina [Mr. LEVER] whether he expects to have anything except general debate on the bill this afternoon or this evening?

Mr. LEVER. Mr. Speaker, I will say to the gentleman from Alabama that the ranking member of the Committee on Agriculture and myself have agreed that we will ask to proceed for one hour to-night with general debate, after which time we will agree to adjourn.

Mr. MANN. Pending the motion, may we not get a little further information? To-morrow is Calendar Wednesday. There is pending a bill in reference to the payment of pensions to widows of Spanish War soldiers. If no one objected, it would probably be disposed of very quickly. I apprehend a veto message will come in on the legislative appropriation bill to-morrow, and I suppose we can dispose of that to-morrow. Is there anything else that could come up to-morrow in the way of a conference

report? May I ask the gentleman from New York [Mr. FITZGERALD] whether the sundry civil conference report is likely to be considered to-morrow?

Mr. FITZGERALD. It will not be considered to-morrow.

Mr. MANN. Is there any chance for us to get through this week, probably, with the conference reports, if things run with ordinary smoothness?

Mr. FITZGERALD. It depends upon the ability of some gentlemen to make up their minds. The House has got down to the irreducible minimum.

Mr. MANN. It does not take very long, when gentlemen get down to an irreducible minimum, to reach a conclusion of business.

Mr. FITZGERALD. We are down to that now.

Mr. MANN. This bill that the gentleman from South Carolina [Mr. LEVER] calls up I would like to see passed. I take it that that is the last thing we are likely to do in the way of general legislation at this session.

Mr. FITZGERALD. I know of nothing that the Committee on Appropriations has to present to-morrow. The sundry civil bill is still in conference. The Senate has not yet reported the general deficiency bill, and I understand——

Mr. ADAMSON. Mr. Speaker, I can not hear the gentlemen in the private conversation they seem to be conducting. If they are trying to wind up the business of this session, I want to pass a bill for the physical valuation of railroads before the session is over.

Mr. FITZGERALD. I understand that the general deficiency bill will very likely not be passed by the Senate until after the determination of some matters on which it is possible there may be slip-ups.

Mr. MANN. I take it that the general deficiency bill is likely to follow the usual procedure—to be passed the last thing—and that the conferees will meet on the last night and we will probably have an all-night session to dispose of it; but that is always easy to dispose of. The question is as to the other matters.

Mr. FITZGERALD. I am unable to speak as to the Army bill and the Post Office bill.

Mr. UNDERWOOD. I will say to the gentleman from Illinois that, unless the House directs otherwise, it is not my purpose to bring in a resolution for adjournment until all of these appropriation bills are in the hands of the President.

Mr. MANN. Of course, we would have nothing to do for a a day or two then. I think the custom has been not to wait for that, as far as the general deficiency bill is concerned.

Mr. FITZGERALD. I think in this instance it will be a very wise course to follow.

Mr. MANN. If we are going to stay here that long, then I will make the point now that there is no quorum present.

Mr. FITZGERALD. It is not going to cause any delay to wait for that.

Mr. ADAMSON. Mr. Speaker, the first time the Speaker finds a lack of something to do I hope he will recognize me to take up the physical-valuation bill.

Mr. LEVER. I renew my motion that the House resolve itself into the Committee of the Whole House on the state of the Union.

REPRINT OF INDIAN APPROPRIATION BILL.

Mr. STEPHENS of Texas. Will the gentleman yield to allow me to ask for a reprint of the Indian bill?

Mr. LEVER. I yield to the gentleman for that purpose.

Mr. STEPHENS of Texas. Mr. Speaker, I ask unanimous consent for a reprint of the Indian appropriation bill, with the amendments numbered.

The SPEAKER. The gentleman from Texas asks unanimous consent for a reprint of the Indian appropriation bill. Is there objection?

There was no objection.

AGRICULTURAL EXTENSION.

Mr. HAUGEN. Mr. Speaker, I trust that the gentleman from Illinois [Mr. MANN] will withdraw his point of no quorum. There are a number of Members here who desire to speak on the agricultural extension bill, which the gentleman from South Carolina desires to call up. It is a bill of some importance. It is now only a little after 5 o'clock, and it seems to me we might go along for an hour or so and get through with some of this debate.

The SPEAKER. Does the gentleman withdraw his point of no quorum?

Mr. MANN. It is my purpose, as far as I can help to control things, to endeavor to pass this bill before we adjourn. We had a session yesterday from half past 10 o'clock in the morning until after 8 o'clock at night. We have been in session since 10 o'clock this morning. I have some other work to do. I do not think it will be any loss if we take a rest now.

The SPEAKER. The gentleman from Illinois insists on his point of order that no quorum is present, and evidently there is no quorum.

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

A call of the House was ordered.

The SPEAKER. The Doorkeeper will lock the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The Clerk proceeded to call the roll.

Before the roll was completed the following occurred:

Mr. MOORE of Pennsylvania. Mr. Speaker, I move that the House do now adjourn.

Mr. UNDERWOOD. I make the point of order that the motion has not been seconded.

The SPEAKER. That only applies under the automatic call. The gentleman from Pennsylvania moves that the House do now adjourn.

Mr. MANN. Mr. Speaker, I demand the yeas and nays.

Mr. SULZER. I make the point of order that the motion of the gentleman from Illinois is dilatory.

Mr. MANN. The right to demand the yeas and nays is a constitutional right, and constitutional rights are not dilatory.

The SPEAKER. They are not dilatory, but they are very aggravating sometimes. [Laughter.] Those in favor of taking the question by yeas and nays will rise and be counted. [After counting.] Thirty-two gentlemen have risen—not a sufficient number.

Mr. MANN. I demand the other side.

The SPEAKER. The gentleman from Illinois demands the other side. Those opposed to taking the question by yeas and nays will rise. [After counting.] Sixty Members have risen in the negative. Thirty is a sufficient number, and the Clerk will call the roll.

The question was taken; and there were—yeas 31, nays 119, answered "present" 12, not voting 229, as follows:

YEAS—31.

Ainey	Danforth	Greene, Vt.	Rees
Blackmon	Davis, Minn.	Helgesen	Sloan
Bowman	Dent	Hill	Speer
Browning	Dwight	Howland	Thayer
Cannon	Floyd, Ark.	Kinkaid, Nebr.	Towner
Cooper	Foss	McCreary	Utter
Crago	Gardner, N. J.	Mann	Vare
Curry	Greene, Mass.	Moore, Pa.	

NAYS—119.

Aiken, S. C.	Flood, Va.	Kendall	Ransdell, La.
Alexander	Foster	Kennedy	Rauch
Allen	French	Kitchin	Roddenbery
Ashbrook	Gallagher	Korbly	Russell
Austin	George	Lafferty	Saunders
Brantley	Gill	La Follette	Sisson
Brown	Glass	Lamb	Small
Buchanan	Godwin, N. C.	Lee, Ga.	Smith, J. M. C.
Bulkley	Goeke	Lee, Pa.	Smith, Saml. W.
Burke, Wis.	Goodwin, Ark.	Lever	Stephens, Miss.
Burnett	Graham	Littlepage	Stephens, Tex.
Byrns, Tenn.	Hamilton, Mich.	Lobeck	Sterling
Candler	Hamilton, W. Va.	McCoy	Stone
Cantrill	Hardy	McDermott	Sulzer
Carlin	Harrison, Miss.	McKellar	Sweet
Claypool	Harrison, N. Y.	McKinley	Talcott, N. Y.
Clayton	Haugen	McKinney	Thomas
Cline	Hawley	Maguire, Nebr.	Tribble
Cullop	Hay	Moon, Tenn.	Turnbull
Curley	Hayden	Morgan	Underhill
Davenport	Heflin	Moss, Ind.	Underwood
Davis, W. Va.	Helm	Murdock	Watkins
Denver	Hensley	Murray	Wedemeyer
Difenderfer	Howell	Norris	Weeks
Donohoe	Hull	Oldfield	White
Doremus	Humphreys, Miss.	Padgett	Willis
Driscoll, D. A.	Jacoway	Pepper	Wilson, Pa.
Faison	James	Post	Woods, Iowa
Farr	Johnson, Ky.	Rainey	The Speaker
Ferris	Jones	Raker	

ANSWERED "PRESENT"—12.

Adamson	Garrett	McLaughlin	Mondell
Butler	Gillett	McMorran	Rucker, Mo.
Campbell	Hughes, N. J.	Miller	Sparkman

NOT VOTING—229.

Adair	Borland	Cravens	Estopinal
Akin, N. Y.	Bradley	Crumpacker	Evans
Ames	Broussard	Currier	Fairchild
Anderson, Minn.	Burgess	Dalzell	Fergusson
Anderson, Ohio	Burke, Pa.	Daugherty	Fields
Andrus	Burke, S. Dak.	Davidson	Finley
Ansberry	Burleson	De Forest	Fitzgerald
Anthony	Byrnes, S. C.	Dickinson	Focht
Ayres	Calder	Dickson, Miss.	Fordney
Barchfeld	Callaway	Dies	Fornes
Barnhart	Carter	Dixon, Ind.	Fowler
Bartholdt	Cary	Dodds	Francis
Bartlett	Clark, Fla.	Doughton	Fuller
Bates	Collier	Draper	Gardner, Mass.
Bathrick	Connell	Driscoll, M. E.	Garner
Beall, Tex.	Conry	Dupré	Goldfogle
Bell, Ga.	Copley	Dyer	Good
Berger	Covington	Edwards	Gould
Boehne	Cox, Ind.	Ellerbe	Gray
Booher	Cox, Ohio	Esch	Green, Iowa

Gregg, Pa.	Lawrence	Patten, N. Y.	Slemp
Gregg, Tex.	Legare	Patton, Pa.	Smith, Cal.
Griest	Lenroot	Payne	Smith, N. Y.
Gudger	Levy	Peters	Smith, Tex.
Guernsey	Lewis	Pickett	Stack
Hamill	Lindbergh	Plumley	Stanley
Hamlin	Lindsay	Porter	Stedman
Hammond	Linthicum	Pou	Steenerson
Hanna	Littleton	Powers	Stephens, Cal.
Hardwick	Lloyd	Pray	Stephens, Nebr.
Harris	Longworth	Prince	Stevens, Minn.
Hartman	Loud	Prouty	Sullaway
Hayes	McCall	Pujo	Switzer
Heald	McGillicuddy	Randell, Tex.	Taggart
Henry, Conn.	McGuire, Okla.	Redfield	Talbott, Md.
Henry, Tex.	McHenry	Reilly	Taylor, Ala.
Higgins	McKenzie	Reyburn	Taylor, Colo.
Hinds	Macon	Richardson	Taylor, Ohio
Hobson	Madden	Riordan	Thistlewood
Holland	Maher	Roberts, Mass.	Tilson
Houston	Martin, Colo.	Roberts, Nev.	Townsend
Howard	Martin, S. Dak.	Robinson	Tuttle
Hughes, Ga.	Matthews	Rodenberg	Volstead
Hughes, W.Va.	Mays	Rothermel	Vreeland
Humphrey, Wash.	Moon, Pa.	Rouse	Warburton
Jackson	Moore, Tex.	Rubey	Webb
Johnson, S. C.	Morrison	Rucker, Colo.	Whitacre
Kahn	Morse, Wis.	Sabath	Wilder
Kent	Mott	Scully	Wilson, Ill.
Kindred	Needham	Sells	Wilson, N. Y.
Kinkead, N. J.	Neeley	Shackleford	Witherspoon
Knowland	Nelson	Sharp	Wood, N. J.
Konig	Nye	Sheppard	Young, Kans.
Konop	Olmsted	Sherley	Young, Mich.
Kopp	O'Shaunessy	Sherwood	Young, Tex.
Lafean	Page	Simmons	
Langham	Palmer	Sims	
Langley	Parran	Slayden	

So the motion to adjourn was rejected.

The Clerk announced the following pairs:

Until further notice:

Mr. TALBOTT of Maryland with Mr. PARRAN.

Mr. MORRISON with Mr. HUMPHREY of Washington.

Mr. PETERS with Mr. MCCALL.

Mr. HOWARD with Mr. DE FOREST.

Mr. COLLIER with Mr. ANDERSON of Minnesota.

Mr. HUGHES of New Jersey with Mr. LONGWORTH.

Mr. WEBB with Mr. FOCHT.

Mr. STEPHENS of Nebraska with Mr. TAYLOR of Ohio.

Mr. HAMLIN with Mr. YOUNG of Kansas.

Mr. BATHRICK with Mr. ANTHONY.

Mr. BEALL of Texas with Mr. FULLER.

Mr. BOOHER with Mr. MICHAEL E. DRISCOLL.

Mr. CARTER with Mr. BARTHOLDT.

Mr. FINLEY with Mr. BURKE of South Dakota.

Mr. GRAY with Mr. GREEN of Iowa.

Mr. HOLLAND with Mr. KAHN.

Mr. LINTHICUM with Mr. MCLAUGHLIN.

Mr. MOSS of Indiana with Mr. NEEDHAM.

Mr. ROTHERMEL with Mr. OLMSTED.

Mr. RUCKER of Missouri with Mr. PICKETT.

Mr. SLAYDEN with Mr. RODENBERG.

Mr. SIMS with Mr. PRAY.

Mr. STEDMAN with Mr. SWITZER.

Mr. WITHERSPOON with Mr. WILSON of Illinois.

Mr. DOUGHTON. Mr. Speaker, I desire to know if I am recorded?

The SPEAKER. The gentleman is not recorded.

Mr. DOUGHTON. Mr. Speaker, I desire to vote.

The SPEAKER. Was the gentleman in the Hall listening when his name was called?

Mr. DOUGHTON. No.

The SPEAKER. The gentleman does not bring himself within the rule.

Mr. MILLER. Mr. Speaker, how am I recorded?

The SPEAKER. The gentleman is recorded in the affirmative.

Mr. MILLER. Mr. Speaker, I am paired with the gentleman from Mississippi, Mr. SISSON. I desire to withdraw my vote of "no" and answer "present."

The Clerk called the name of Mr. MILLER, and he answered "Present."

Mr. HUGHES of New Jersey. Mr. Speaker, is the gentleman from Ohio, Mr. LONGWORTH, recorded?

The SPEAKER. He is not recorded.

Mr. HUGHES of New Jersey. Mr. Speaker, I desire to withdraw my vote of "no" and answer "present."

The Clerk called the name of Mr. HUGHES of New Jersey, and he answered "Present."

The result of the vote was announced as above recorded.

Mr. MOORE of Pennsylvania. Mr. Speaker, does the vote disclose the presence of a quorum on the motion to adjourn?

The SPEAKER. Which one, the motion to adjourn? No; it does not disclose a quorum.

Mr. MOORE of Pennsylvania. It does not disclose a quorum?

The SPEAKER. It lacks two of making a quorum.

Mr. MOORE of Pennsylvania. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MOORE of Pennsylvania. A roll call was pending and a quorum was not present, and a motion to adjourn was made and entertained by the Chair, and on the announcement of the vote on the motion to adjourn there appeared to be present 158 Members.

The SPEAKER. That is true.

Mr. MOORE of Pennsylvania. There were less than a quorum and a number wholly insufficient, so far as the roll call was concerned, to make a quorum.

The SPEAKER. That is true.

Mr. MOORE of Pennsylvania. The question is whether another motion to adjourn would be regarded as dilatory?

The SPEAKER. It would, absolutely. A man does not have to vote unless he wants, and the Chair does not know, and neither does the gentleman from Pennsylvania or anybody else know, whether the 194 we got in were all here or not. The presumption is they were.

Mr. MANN. The Chair and everybody else knows there are not 158 Members in the Hall now.

The SPEAKER. The Chair does not know anything of the sort.

Mr. MANN. Nor in the corridors.

Mr. MOORE of Pennsylvania. Does the Chair rule that a motion to adjourn now would be a dilatory motion?

The SPEAKER. That is exactly what the Chair rules.

Mr. MOORE of Pennsylvania. The Speaker has worked industriously for at least 10 hours to-day, and he worked industriously about 15 hours yesterday, and out of consideration for the Speaker and the Members alike, I should like to move to adjourn.

The SPEAKER. The gentleman can not move to adjourn until this call of the House is over.

The Clerk completed the calling of the roll, and the following Members failed to answer to their names:

Adair	Ellerbe	Langham	Randell
Akin, N. Y.	Esch	Langley	Redfield
Ames	Estopinal	Lawrence	Reilly
Anderson, Minn.	Evans	Legare	Reyburn
Anderson, Ohio	Fairchild	Lenroot	Richardson
Andrus	Fergusson	Levy	Riordan
Ansberry	Fields	Lewis	Roberts, Mass.
Anthony	Fordney	Lindbergh	Roberts, Nev.
Ayres	Fornes	Lindsay	Robinson
Barchfeld	Francis	Linthicum	Rouse
Barnhart	Fuller	Littleton	Rubey
Bartholdt	Gardner, Mass.	Lloyd	Rucker, Colo.
Bartlett	Garner	Loud	Sabath
Bates	Goldfogle	McCall	Scully
Bell, Ga.	Good	McGillicuddy	Sells
Berger	Gould	McGuire, Okla.	Sharp
Boehne	Green, Iowa	McHenry	Sheppard
Borland	Gregg, Pa.	McKenzie	Sherwood
Bradley	Gregg, Tex.	Macon	Simmons
Broussard	Gudger	Madden	Slayden
Burgess	Guernsey	Maher	Slemp
Burke, Pa.	Hamill	Martin, Colo.	Smith, Cal.
Burleson	Hammond	Martin, S. Dak.	Smith, N. Y.
Byrnes, S. C.	Hanna	Matthews	Stack
Calder	Hardwick	Mays	Stephens, Cal.
Callaway	Harris	Miller	Stephens, Nebr.
Cary	Hartman	Moon, Pa.	Stevens, Minn.
Clark, Fla.	Hayes	Moore, Tex.	Switzer
Collier	Heald	Morrison	Talbott, Md.
Connell	Henry, Conn.	Morse	Taylor, Ala.
Conry	Higgins	Mott	Taylor, Colo.
Copley	Hinds	Neeley	Taylor, Ohio
Cox, Ind.	Hobson	Nelson	Thistlewood
Cox, Ohio	Howard	Nye	Tilson
Cravens	Hughes, Ga.	Olmsted	Townsend
Crumpacker	Humphrey, Wash.	O'Shaunessy	Tuttle
Currier	Jackson	Palmer	Volstead
Dalzell	Johnson, S. C.	Parran	Vreeland
Daugherty	Kahn	Patten, N. Y.	Warburton
Davidson	Kent	Patton, Pa.	Webb
De Forest	Kindred	Payne	Weeks
Dickinson	Kinkead, N. J.	Peters	Whitacre
Dickson, Miss.	Kitchin	Plumley	Wilder
Dies	Knowland	Porter	Wilson, Ill.
Dodds	Konig	Pou	Wilson, N. Y.
Draper	Konop	Powers	Wood, N. J.
Dupré	Kopp	Prince	Young, Mich.
Dyer	Lafean	Prouty	Young, Tex.
Edwards	Lamb	Pujo	

The SPEAKER. The Clerk will call my name.

The Clerk called the name of Mr. CLARK of Missouri, and he answered "Present."

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I regret that we have not been able to get a quorum to-night, but I hope on Thursday there will be a quorum here to close the debate on this bill; as we can not get them now, I move that the House do now adjourn.

Mr. MANN. Mr. Speaker, I make the point of order that that motion is dilatory. The Chair has just stated he would hold it was dilatory.

The motion was agreed to; accordingly (at 6 o'clock and 40 minutes p. m.) the House adjourned to meet to-morrow, Wednesday, August 21, 1912, at 12 o'clock noon.

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. BROUSSARD, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 25762) for the construction of a bridge across the Mississippi River at or near Baton Rouge, La., reported the same with amendment, accompanied by a report (No. 1227), which said bill and report were referred to the House Calendar.

Mr. GEORGE, from the Committee on the District of Columbia, authorized under H. R. 154 and H. R. 200 to inquire into the assessment and taxation of real estate in the District, submitted a report (No. 1215), which was 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. WATKINS, from the Committee on Military Affairs, to which was referred the bill (H. R. 25623) to authorize the transfer of Lieut. Sydney Smith from the retired to the active list of the Army, reported the same with amendment, accompanied by a report (No. 1226), which said bill and report were referred to the Private Calendar.

Mr. PEPPER, from the Committee on Military Affairs, to which was referred the bill (H. R. 26078) for the relief of Charles S. Kincaid, reported the same without amendment, accompanied by a report (No. 1231), 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. 25301) granting a pension to Martha C. McCorkle, 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. CARLIN: A bill (H. R. 26354) to establish a commission; to create a national interstate highway system; to effect preliminary surveys of seven national interstate highways and the establishment of said highways, said highways to be constructed from Washington, the Capital of the United States, respectively to Portland, Me.; to Niagara Falls, N. Y.; to Seattle, Wash.; to San Francisco, Cal.; to Los Angeles, Cal.; to Austin, Tex.; and to Miami, Fla.; and for which surveys, and maps, profiles, and estimates of the same, for the use of the Congress of the United States, the sum of $1,000,000, or so much as may be necessary, is hereby authorized to be expended out of any moneys in the Treasury of the United States not otherwise appropriated, said national interstate highways to be trunk-line highways, to which branch highways and good roads can be established throughout the country; to the Committee on the Post Office and Post Roads.

By Mr. CURRY: A bill (H. R. 26355) to amend the homestead laws as to certain unappropriated and unreserved public lands in New Mexico; to the Committee on the Public Lands.

By Mr. CRAGO: A bill (H. R. 26356) to provide for the purchase of a site and the erection of a public building at Uniontown, Pa.; to the Committee on Public Buildings and Grounds.

By Mr. SULZER: A bill (H. R. 26357) to reduce postage rates, improve the postal service, and increase postal revenues; to the Committee on the Post Office and Post Roads.

By Mr. STANLEY: Resolution (H. Res. 702) authorizing the printing of the majority and minority reports of the committee to investigate violations of the antitrust act; to the Committee on Printing.

By Mr. NORRIS: Resolution (H. Res. 705) requesting the President to furnish information regarding the alleged killing of James W. Rodgers by British soldiers in Africa; to the Committee on Foreign Affairs.

By Mr. JONES: Joint resolution (H. J. Res. 358) requesting from the President of the United States information concerning the exemption of American importers of manila hemp from payment of the export tax thereon; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AINEY: A bill (H. R. 26358) granting a pension to Charlotte S. Manley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 26359) granting an increase of pension to Charles R. Green; to the Committee on Pensions.

By Mr. BROWN: A bill (H. R. 26360) granting a pension to Charles H. Keefer; to the Committee on Invalid Pensions.

By Mr. CANNON: A bill (H. R. 26361) granting a pension to Emma L. Taylor; to the Committee on Invalid Pensions.

By Mr. FOCHT: A bill (H. R. 26362) for the relief of the legal representatives of Peter M. Sheibley, deceased; to the Committee on War Claims.

By Mr. RUSSELL: A bill (H. R. 26363) granting an increase of pension to Nimrod P. Ginger; to the Committee on Invalid Pensions.

By Mr. SHERWOOD: A bill (H. R. 26364) granting an increase of pension to Frances M. Rounds; to the Committee on Invalid Pensions.

By Mr. SPEER: A bill (H. R. 26365) granting an increase of pension to Philip Shirk; to the Committee on Invalid Pensions.

By Mr. DOREMUS: A bill (H. R. 26366) granting a pension to Melissa L. Gomersall; to the Committee on Invalid Pensions.

Also, a bill (H. R. 26367) granting a pension to Antoinette Scholz; to the Committee on Pensions.

By Mr. FRENCH: A bill (H. R. 26368) granting an increase of pension to Thomas W. Wheeler; to the Committee on Pensions.

Also, a bill (H. R. 26369) granting a patent to Joseph Robicheau; to the Committee on the Public Lands.

By Mr. GEORGE: A bill (H. R. 26370) granting an increase of pension to Ferdinand Windgoetter; 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. BOWMAN: Petition of William T. Howells, of Jeddo, Pa., and Albert W. Zeislop, of Freeland, Pa., favoring passage of House bill 25309, relative to flag of the United States on lighthouses of the United States, etc.; to the Committee on Interstate and Foreign Commerce.

By Mr. CRAGO: Memorial of William McKinley Post, No. 3, of Pittsburgh, Pa., favoring passage of House bill 25224; to the Committee on Military Affairs.

By Mr. LEVY: Memorial of the Maritime Association of the Port of New York, favoring the building of two battleships; to the Committee on Naval Affairs.

By Mr. RAKER: Petition of citizens of California, against passage of Senate bills 940 and 7968 and House bill 4706; to the Committee on the Public Lands.

By Mr. SCULLY: Petition of John E. Bernard, of Perth Amboy, N. J., favoring passage of the immigration bill; to the Committee on Immigration and Naturalization.

By Mr. WILSON of New York: Memorial of the Maritime Association of the Port of New York, favoring the building of two battleships; to the Committee on Naval Affairs.