Also, petition of the National Academy of Design, of New York, protesting against any action on the part of Congress interfering with the development of Washington as set forth by the Washington Park Commission; to the Committee on the Library.

Also, petition of the American Automobile Association, Chicago, Ill., favoring the passage of legislation making appropriations for the building of national highways; to the Committee on Appropriations.

Also, petition of the Italian Chamber of Commerce of New York, protesting against the passage of Senate bill 3175, for the restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. MAGUIRE of Nebraska: Petition of citizens of Lincoln, Nebr., favoring the passage of legislation for the national control and ownership of all public telephone and telegraph lines; to the Committee on Interstate and Foreign Commerce.

By Mr. WICKERSHAM: Petition of Indians and other resident fishermen of Sitka, Alaska, praying for legislation by Congress preventing the setting of fish traps in the tidal waters of Alaska; to the Committee on the Territories.

## SENATE.

WEDNESDAY, *January 15, 1913.*

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

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

### FOREIGN AND DOMESTIC COMMERCE (S. DOC. NO. 1009).

The PRESIDENT pro tempore (Mr. BACON) laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of Commerce and Labor, submitting an estimate of appropriation in the sum of $20,000 to enable the Bureau of Foreign and Domestic Commerce to carry out the provisions of the act approved August 23, 1912, relating to investigations concerning the cost of producing articles dutiable in the United States and leading countries where such articles are produced, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

### REPORT OF THE CHESAPEAKE & POTOMAC TELEPHONE CO. (H. DOC. NO. 1270).

The PRESIDENT pro tempore laid before the Senate the annual report of the Chesapeake & Potomac Telephone Co. for the year 1912, which was referred to the Committee on the District of Columbia 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 a bill (H. R. 27148) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1914, and for other purposes, in which it requested the concurrence of the Senate.

The message also announced that the House insists upon its amendment to the bill (S. 109) authorizing the sale and disposition of the surplus and unallotted lands in the Standing Rock Indian Reservation, in the States of South Dakota and North Dakota, and making appropriation and provision to carry the same into effect, disagreed to by the Senate, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. STEPHENS of Texas, Mr. FERRIS, and Mr. BURKE of South Dakota managers at the conference on the part of the House.

### ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. 20339) for the relief of Joseph W. McCall, and it was thereupon signed by the President pro tempore.

### PETITIONS AND MEMORIALS.

Mr. GALLINGER presented petitions of the congregations of the First Baptist Church of Franklin; the West Congregational Church, of Concord; the First Baptist Church of Cornish; the Baker Memorial Methodist Episcopal Church, of Concord; the Unitarian Church of Charlestown; the Franklin Unitarian Church, of Franklin; the Christian Church of Franklin; the First Baptist Church of Claremont; the Baptist, Congregational, and Methodist Churches of Newport; the Curtis Memorial Free Baptist Church, of Concord; the Advent Christian Church of Dover; the Crown Hill Baptist Church and the Arlington Street Methodist Episcopal Church, of Nashua; and of the First Methodist Church of Concord, all in the State of New Hampshire, praying for the passage of the so-called Kenyon-Sheppard interstate liquor bill, which were ordered to lie on the table.

He also presented a report of a special committee of the Georgetown Citizens' Association relative to assessment and taxation of property in the District, which was referred to the Committee on the District of Columbia.

Mr. BRISTOW presented petitions of sundry citizens of Altoona, Langton, and Alden, all in the State of Kansas, praying for the passage of the so-called Kenyon-Sheppard interstate liquor bill, which were ordered to lie on the table.

Mr. BURNHAM presented resolutions adopted by the congregations of the Baptist, Congregational, and Methodist churches of Newport, N. H., favoring the passage of the so-called Kenyon-Sheppard interstate liquor bill, which were ordered to lie on the table.

Mr. NELSON presented a resolution adopted by the Commercial Club of Mankato, Minn., remonstrating against the enactment of legislation transferring the control of the national forests to the several States, which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a resolution adopted by Local Union No. 412, United Mine Workers of America, of Hymera, Ind., favoring the passage of the so-called Clayton contempt bill, which was referred to the Committee on the Judiciary.

Mr. JONES presented resolutions adopted by the Columbia and Snake River Waterways Association, Idaho State League of Commercial Bodies, Idaho-Washington Development League, the Commercial Club of Lewiston, Idaho, and of the Chamber of Commerce of Clarkston, Wash., favoring an appropriation for the completion of the Celilo Canal and the improvement of the Columbia and Snake Rivers, which were referred to the Committee on Commerce.

Mr. PERKINS presented resolutions adopted by the Chamber of Commerce of Los Angeles, Cal., and resolutions adopted by the Southern California Wholesale Grocers' Association, remonstrating against any reduction of the duty on sugar, which was referred to the Committee on Finance.

Mr. SHIVELY presented memorials of the congregations of the Seventh-day Adventist Churches of Marion, Elwood, Noblesville, South Bend, and Wolf Lake, all in the State of Indiana, remonstrating against the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

He also presented memorials of H. J. Evans, C. V. Mull, J. W. Bucks, E. Shanafelt, D. Glasgow, George Beyler, G. E. Mangun, and 176 other citizens of South Bend, and of the congregation and Sunday School of the First Reformed Church of South Bend, all in the State of Indiana, remonstrating against the repeal of the law providing for the closing of post offices on Sunday, which were referred to the Committee on Post Offices and Post Roads.

Mr. TOWNSEND presented a petition of the congregation of the Methodist Episcopal Church of Orion, Mich., praying for the passage of the so-called Kenyon red-light injunction bill, which was ordered to lie on the table.

He also presented memorials of the congregations of the Seventh-day Adventist Churches of Muskegon, Arbela, and Hillsdale, all in the State of Michigan, remonstrating against the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

Mr. TOWNSEND (for Mr. SMITH of Michigan) presented a memorial of the congregation of the Seventh-day Adventist Church of Onaway, Mich., and a memorial of the congregation of the Seventh-day Adventist Church of Ann Arbor, Mich., remonstrating against the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

Mr. PENROSE presented a memorial of the board of directors of the Philadelphia Maritime Exchange of Pennsylvania, remonstrating against the enactment of legislation to abolish the involuntary servitude imposed upon seamen of the merchant marine of the United States while in foreign ports, etc., which was referred to the Committee on Commerce.

### WATER POWER AND TRANSMISSION LINES (S. DOC. NO. 1008).

Mr. SMOOT. I present the permit to the Great Falls Power Co. for a transmission line and the agreement between that company and the Government of the United States. I ask that

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the agreement be printed as a public document, and in this connection I have a certain number of newspaper clippings bearing upon the matter that I request be printed in the RECORD.

Mr. CULBERSON. Will the Senator kindly restate his proposition?

Mr. SMOOT. I will state that the Secretary of the Interior sent me a copy of the permit issued to the Great Falls Power Co. by the Secretary of the Interior for a transmission line over certain public lands. There have been calls for copies of the agreement from all parts of the country, and the Secretary of the Interior desires that it be made a public document. I therefore ask that it be printed as a public document, excluding, however, the price agreed upon between the power company and the railway company.

Mr. GALLINGER. I will ask the Senator if it is the Great Falls of the Potomac?

Mr. SMOOT. No; of Montana.

Mr. CLARK of Wyoming. I ask the Senator from Utah why not print the whole agreement?

Mr. SMOOT. I have asked that the whole agreement be printed except the rate to be paid per kilowatt per hour.

Mr. CLARK of Wyoming. Why not print the rate?

Mr. SMOOT. The Secretary thought there may be objections on the part of the companies to having it printed.

Mr. ROOT. I should think there are obvious reasons for having it printed, being an agreement between this company and the Government of the United States, or the Secretary of the Interior.

Mr. SMOOT. The agreement is with the Secretary of the Interior.

Mr. ROOT. If it is worth printing at all it seems to me it is worth printing as it is.

Mr. SMOOT. I do not think the Secretary will object to printing the rate to be paid. It is a new policy that is about to be entered upon between the Secretary of the Interior and users of water for power purposes whose lines run over the public domain, and there are calls for copies of the agreement. I suppose every Senator has noticed that the newspapers of the country are stating that the agreement has already been made. It is for that reason that I desire to have it printed as a public document, so that it may be distributed throughout the United States.

Mr. CLARK of Wyoming. I ask that it all be printed.

Mr. SMOOT. I will withdraw my request at this time and secure the rate and have it included in the agreement. I know that there is no objection on the part of the Secretary of the Interior, and I do not believe there will be any objection on the part of the company.

Mr. CLARK of Wyoming. There certainly should not be objection, because it is a public contract entered into by the Government of the United States.

Mr. SHIVELY. Has the Senator the agreement there?

Mr. SMOOT. I have a copy of the agreement.

Mr. SHIVELY. Does that copy contain the rate?

Mr. SMOOT. The place where the rate is mentioned in the original agreement is left blank in the copy. I will state that the Secretary of the Interior called my attention to that fact, and he thought that perhaps it would be just as well, by way of information at least, as applying to the form of the agreement, not to have the rate mentioned in the document.

Mr. SHIVELY. Why can not the Senator have the order made now if he understands that the rate is to be inserted?

Mr. CLARK of Wyoming. I will say to the Senator that my objection will be obviated if it is to be printed simply as the form of a contract which the Secretary of the Interior proposes to use.

Mr. SMOOT. I made the request that this form of a contract which has already been used be printed. I do not believe that there will be any objection on the part of the company to inserting the price paid per kilowatt, and I am positive there will be no objection on the part of the Secretary of the Interior.

Mr. President, I will withdraw the request now and state that I shall get into communication with the Secretary of the Interior; and if there is no objection on the part of the company, I shall ask that the rate paid per kilowatt per hour be inserted in the agreement to be printed as a public document. I shall ask again some time to-day that it be printed as a document.

Mr. CLARK of Wyoming. Will the Senator give the Senate the benefit of the information whether or not there is objection?

Mr. SMOOT. If there is objection, I shall not ask that it be printed as a public document.

Mr. CLARK of Wyoming. I ask the Senator if there is objection to give that information to the Senate.

Mr. SMOOT. All right.

Mr. SHIVELY. Does not the Senator think that if there is an objection there should be a resolution introduced by him to secure that information?

Mr. SMOOT. I do not think there will be any objection. I will say, again, that I know there is no objection on the part of the Secretary of the Interior.

Mr. ROOT. If there is objection, we certainly ought to have the information; there is no doubt about that.

The PRESIDENT pro tempore. The request is withdrawn. Reports of committees are in order.

Mr. SMOOT subsequently said: Mr. President, I ask that a copy of the contract issued to the Great Falls Power Co. for its transmission line be printed as a public document. I will state to the Senate that I have included here the price per kilowatt hour as provided in the contract.

Mr. BURTON. May I ask what Great Falls the Senator has reference to?

Mr. SMOOT. Great Falls, Mont.

Mr. DIXON. I should like to inquire whether the document the Senator is asking to have printed relates to the Great Falls Power Co.?

Mr. SMOOT. Yes; I am asking to have it printed as a public document. I will say that it is an agreement between the Great Falls Power Co., a corporation organized under the laws of the State of Montana, party of the first part, and the Chicago, Milwaukee & Puget Sound Railroad Co.

Mr. DIXON. It is an agreement relating to a transmission line for the electrification of the Milwaukee Railroad.

Mr. SMOOT. To a transmission line of about 450 miles to run the cars by electricity.

Mr. JONES. Mr. President——

The PRESIDING OFFICER (Mr. SHIVELY in the chair). Does the Senator from Utah yield to the Senator from Washington?

Mr. SMOOT. I yield.

Mr. JONES. If I understand correctly, the Senator intends to print the entire contract.

Mr. SMOOT. Yes; the entire contract.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Utah? The Chair hears none, and it is so ordered.

Mr. SMOOT. I also ask that certain clippings from the New York Times, the Washington Evening Star, and the New York Evening Post relative to the same proposition be printed in the RECORD, without being made a part of the public document.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

[Clipping from the New York Times, Jan. 8, 1913.]

ELECTRIFYING 450 MILES—PUGET SOUND DIVISION TO BE THE LONGEST ELECTRIC LINE IN THE WORLD.

The Puget Sound division of the St. Paul system will soon let contracts for the electrification of a stretch of 450 miles of its main line in Montana and Idaho, making the longest piece of electric railway in the world. A. J. Earling, president of the Chicago, Milwaukee & St. Paul, said yesterday that the installation of the electrical equipment would be completed as soon as possible, and that the company expected to be able to dispense with the use of steam locomotives on that section within three years. The mileage to be electrified traverses three principal mountain ranges—the Belt Mountains, the Rockies, and the Bitter Root chain.

The combination of water powers in the section where electrification work is to be done under practically one ownership and management is the one thing, in Mr. Earling's opinion, that makes the projected improvement possible. Short stretches of road may be electrified where the power is supplied from one or two developments, but in this contract it is provided that nine separate and distinct water-power systems, to be connected through their transmission lines, will furnish the necessary power. Electrification of steam road on such a scale has never before been attempted.

President Earling gave it as his opinion that the Secretary of the Interior, in confirming the grant mentioned yesterday in Washington dispatches, had taken a greater step forward in the conservation of the country's resources than had been taken by any previous administration. Substitution of electric current for motive power over the mountains would not only conserve a great amount of coal in the ground, he pointed out, but would provide for the utilization of water power which has hitherto gone to waste.

[Clipping from the Washington Evening Star, Jan. 7, 1913.]

UNITED STATES ISSUES A GRANT—REGARDED AS IMPORTANT STEP IN WATER-POWER DEVELOPMENT—GUARDS PUBLIC INTERESTS—MARKS BEGINNING OF ELECTRIFICATION OF TRANSCONTINENTAL RAILROADS—RATE REGULATION PROVIDED—UNIFORM ACCOUNTING AND COMPLETE PUBLICITY OF BOOKS AND RECORDS ARE STIPULATED.

The Department of the Interior to-day issued a grant which it regards as the most important step in water-power and electrical development that has been taken for many years. It marks the beginning of the long-predicted electrification of the transcontinental railroads between the Rocky Mountains and the Pacific coast, but much more important than this is the fact that this step is to be taken under a grant which embodies the fundamental principles of water-power policy which

the Department of the Interior has been advocating for the past two years.

It demonstrates not only that the provisions for the protection of the public interests, upon which the department insists, do not prohibit water-power development, as has been claimed by its opponents, but that the greatest development which has yet taken place in the practical application of electricity can be and is being taken under these very provisions.

COMPENSATION TO UNITED STATES PROVIDED.

The grant issued to-day provides for compensation to the Federal Government, very small at first, but subject to periodical readjustment every 10 years.

It provides for regulation of the rates and service, uniform accounting, and complete publicity of books and records; the sale of power to the United States, and to the State within which the transmission lines are located, and to municipal corporations in such State at as low a rate as given to any other purchaser for a like use under similar conditions; protection against fire; and prohibits any transfer or assignment of the permit without the written approval of the Secretary of the Interior. The company is forbidden to claim any earning value for the grant, or any selling value should the public take over the company's works at any time.

The compensation or rentals fixed for each decade must be reasonable, and the company has the right to contest in the courts any rental it believes to be unreasonable; but the burden of proof on this point rests on the company.

The railroad which is taking this epoch-making step is the Chicago, Milwaukee & Puget Sound Railroad, which is electrifying 450 miles of its main tracks between Harlowtown, Mont., and Avery, Idaho; and the company which is furnishing the electricity is the Great Falls Power Co. There is no act of Congress under which the policy which the department has been advocating can be adopted so far as it relates to power sites on the public domain.

PERMIT ESTABLISHES PRECEDENT.

However, under the act passed March 4, 1911, relating exclusively to electrical transmission, telephone, and telegraph lines, it has been found possible to work out a permit which the department regards as a precedent which will have far-reaching effect. The act is not as satisfactory as it should be, but it has been possible under it to demonstrate that private and public interests can be reconciled and coordinated with fairness and justice to both. Indeed, the fact that the power company is willing to accept the fullest provisions for the protection of public interests, even where all it is asking for is a permit for a transmission line, makes the transaction especially significant.

The power company and the Department of the Interior have found that they can cooperate cordially and effectively in working out general rules and regulations under this act and in fixing the terms of a grant so as to recognize effectively both public and private interests and rights. The department wishes to commend particularly the candor and public spirit shown by the representatives of the company in the negotiations which have led up to the issuance of the grant.

[Clipping from the New York Evening Post of Jan. 10, 1913.]

(Interview with Mr. John D. Ryan.)

NEW POWER FOR RAILROADS—ST. PAUL LINE OBTAINS GRANT FOR WESTERN WATERS—WILL OPERATE 450 MILES OF TRACK WITH ELECTRICITY GENERATED IN THE MOUNTAIN STREAMS—WILL COST $8,000,000 TO MAKE CHANGE, WHICH WILL PAY FOR ITSELF WITHIN FIVE YEARS.

John D. Ryan believes that the grant just received from the Government by the Great Falls Power Co., of Montana, to transmit over public domain power for the electrification of 450 miles of the Chicago, Milwaukee & St. Paul main line between Harlowtown, Mont., and Avery, Idaho, marks the most important step ever taken in the development of northwestern railroads.

In discussing the subject to-day, Ryan, who is president of the Amalgamated Copper Co., as well as the Great Falls Power Co., grew very enthusiastic. The man who succeeded H. H. Rogers as president of the Amalgamated Copper Co. belongs to the younger generation. That means, partly, that he is not afraid to talk for publication, when he has anything to say which concerns the public.

"Until you get into the subject, it is hard to realize what electrification will mean to the western railroad," the president of the Great Falls Power Co. said. "Railroad men themselves are only just beginning to understand. Yesterday one of the best-known operating officials in the Northwest said he was stunned by the announcement that our grant from the Government was based on the understanding that the electrification of 450 miles of St. Paul's track would be completed within three years. He said railroad men knew that the electrification of the northwestern railroads by use of water power was coming, but they all had supposed that it would not come inside of 10 years, and that, therefore, they would have plenty of time to plan."

WATER POWER WASTED.

When Ryan is interested in his subject he talks with almost boyish frankness, and as he picked up one paper after another at his desk on the twentieth floor of No. 42 Broadway, near a large window overlooking the Hudson River, his black eyes danced with excitement.

"Why, the water power that is now being wasted in the Northwest can be transformed into a finished product and delivered to the railroads so it can be turned on and off with a switch like pipe water or an electric light. Last year the St. Paul Railroad, not including its Pacific coast extension, spent $6,202,000 for fuel for locomotives. That was just the bare cost of coal. On a mountain line a railroad uses one-third of its entire equipment for hauling fuel. With electricity that equipment could be earning money and the cost of operating it to haul fuel could be saved.

"As for the economies made possible by electricity, the average cost of steam power in the West is $150 per horsepower. By simply harnessing the water power that is now going to waste electric power can be generated and delivered to the railroads ready for use by turning on a switch for $40 a horsepower.

"After a 150-mile run a steam locomotive has to go to a roundhouse for inspection; to-day the New York Central is using its electric locomotives for 1,200 miles between inspections. For the units of service derived from a ton of coal a steam locomotive is the most wasteful machine ever invented. Every railroad man knows that. An electric locomotive does not stand in a station or sidetrack and 'blow off.' When it is not being used the power is turned off.

"In many places in the Northwest it is physically impossible to build double tracks; the mountain passes will not permit it. Under electricity the capacity of a single-track road can be doubled. The trains move quicker; the equipment and labor now used to haul fuel can be used to handle revenue freight, and operating expenses can be reduced in many other ways. The St. Paul's work will cost $8,000,000, and carefully made estimates show that that amount can be saved in five years by reducing operating expenses."

A 50-YEAR RIGHT.

Ryan added that Secretary Fisher, of the Interior Department, had gone into the question of conservation thoroughly and had given every consideration to the needs of the power company and the railway company, and that the grant confers upon the power company, which has owned its water-power sites for many years, a right of way for 50 years over public lands for reasonable compensation to the Government, under reasonable conditions, which provide for compliance on the part of the power company with State regulations covering business of the kind in which the company is engaged.

He said the power company found no desire on the part of Secretary Fisher to impose any conditions that were not justified by the protection of public interest, and it is believed that general legislation will be enacted along the lines laid down in this grant, which will give a great impetus to water-power development and to railway electrification.

The water powers in the Rocky Mountains and the Cascades in the Northwestern States, he said, would be sufficient to operate every mile of railway west of a line drawn north and south through the center of the State of Montana and north of a line drawn from the southern boundary of Colorado to the Pacific coast.

Ryan said that the necessity for the consolidation of water powers by connecting transmission lines and provision for interchange of power is recognized by all who have given the question any consideration. Railways could not possibly depend for their operation upon power derived from one source or one transmission line.

He believed that not less than 10,000 miles of mountain railway in the Western States will be electrified within the next few years, because of the step taken by the Chicago, Milwaukee & Puget Sound Railway, and that the Government, through Secretary Fisher, has done a great deal to avert the waste which has gone on heretofore, both by the failure to harness water powers and in the consumption of coal which will be needed by future generations. In addition to this, the danger of fires from coal-burning locomotives in the great forests of the West will be avoided. Work on the St. Paul, he concluded, would begin at once.

REPORTS OF COMMITTEE ON PUBLIC LANDS.

Mr. CLARK of Wyoming, from the Committee on Public Lands, to which was referred the bill (S. 7746) to provide for agricultural entry of oil lands, reported it with amendments and submitted a report (No. 1108) thereon.

Mr. GUGGENHEIM, from the Committee on Public Lands, to which was referred the bill (H. R. 23293) for the protection of the water supply of the city of Colorado Springs and the town of Manitou, Colo., reported it with amendments and submitted a report (No. 1109) thereon.

BILLS AND JOINT RESOLUTION INTRODUCED.

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

By Mr. BURNHAM:

A bill (S. 8119) granting an increase of pension to Lucinda M. Fuller (with accompanying papers); to the Committee on Pensions.

By Mr. CUMMINS:

A bill (S. 8120) to tax certain sales, options, and contracts for sale made upon, in, through, in connection with, or under the regulations of certain exchanges and boards of trade; to the Committee on Finance.

By Mr. NELSON:

A bill (S. 8121) to provide an annual vacation for all railway mail clerks; to the Committee on Post Offices and Post Roads.

By Mr. BORAH:

A bill (S. 8122) to amend an act entitled "An act to amend sections 2291 and 2297 of the Revised Statutes of the United States relating to homesteads"; to the Committee on Public Lands.

By Mr. KENYON:

A bill (S. 8123) granting an increase of pension to Ellen Maher;

A bill (S. 8124) granting an increase of pension to Thomas J. Tucker;

A bill (S. 8125) granting an increase of pension to George F. Brechtel; and

A bill (S. 8126) granting a pension to Elizabeth J. Edson; to the Committee on Pensions.

By Mr. JOHNSON of Maine (for Mr. GARDNER):

A bill (S. 8127) granting a pension to John F. Scribner; to the Committee on Pensions.

By Mr. JACKSON:

A bill (S. 8128) for the relief of Samuel Henson; to the Committee on Claims.

By Mr. McLEAN:

A bill (S. 8129) granting a pension to Margaret Brennan (with accompanying papers); to the Committee on Pensions.

By Mr. GUGGENHEIM:

A bill (S. 8130) granting to the town of Nevadaville, Colo., the right to purchase certain lands for the protection of water supply (with accompanying papers); to the Committee on Public Lands.

By Mr. CLAPP:

A bill (S. 8131) granting an increase of pension to Stanley A. Husted (with accompanying papers); to the Committee on Pensions.

By Mr. TOWNSEND (for Mr. SMITH of Michigan):

A bill (S. 8132) to remove the charge of desertion from the record of Joseph Neveux;

A bill (S. 8133) to remove the charge of desertion from the record of Joseph Hadden (with accompanying paper); and

A bill (S. 8134) to correct the military record of Capt. Daniel H. Powers; to the Committee on Military Affairs.

By Mr. DU PONT:

A bill (S. 8135) granting a pension to Mary Helen Harrison;

A bill (S. 8136) granting an increase of pension to John E. Devnish; and

A bill (S. 8137) granting a pension to Susan T. Saunders; to the Committee on Pensions.

By Mr. OWEN:

A bill (S. 8138) to authorize the Choctaw and Chickasaw Nations to bring suit in the Court of Claims, and for other purposes; to the Committee on Indian Affairs.

By Mr. JOHNSTON of Alabama:

A bill (S. 8139) for the relief of William W. Prude (with accompanying papers); to the Committee on Military Affairs.

By Mr. OWEN:

A bill (S. 8140) to authorize the Choctaw and Chickasaw Indians to bring suit in the Court of Claims, and for other purposes; to the Committee on Indian Affairs.

By Mr. SMITH of Maryland:

A joint resolution (S. J. Res. 153) granting to the Fifth Regiment Maryland National Guard the use of the corridors of the courthouse of the District of Columbia upon such terms and conditions as may be prescribed by the marshal of the District of Columbia; to the Committee on the District of Columbia.

AMENDMENTS TO THE INDIAN APPROPRIATION BILL.

Mr. CATRON submitted an amendment providing that no part of the $200,000 appropriated by the act of April 24, 1912, shall be used for the purpose of transporting or making settlement of Apache Indians, prisoners of war at Fort Sill Military Reservation, Okla., within the State of New Mexico or State of Arizona, intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

He also submitted an amendment proposing to appropriate $1,000 to investigate the conditions on the Northeast Navajo Indian Reservation, in San Juan County, N. Mex., with respect to the necessity of constructing a bridge across the San Juan River, etc., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

MARY CATHCART RANSDELL.

Mr. DILLINGHAM submitted the following resolution (S. Res. 431), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

*Resolved*, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay out of the contingent fund of the Senate to Mary Cathcart Ransdell, widow of Daniel M. Ransdell, late Sergeant at Arms of the Senate, a sum equal to 12 months' salary at the rate he was receiving by law at the time of his death, said sum to be considered as including funeral expenses and all other allowances.

THE SENATE CHAMBER.

Mr. REED submitted the following resolution (S. Res. 432), which was read, considered by unanimous consent, and agreed to:

*Resolved*, That the President of the Senate pro tempore is hereby authorized to appoint a special committee of five Senators. Said committee shall investigate and at the earliest practicable date report to the Senate whether it is feasible and desirable to improve or remodel the Senate Chamber and the rooms thereunto appertaining.

CHOCTAW AND CHICKASAW INDIANS (S. DOC. NO. 1007).

Mr. OWEN. I present a paper, being a memorial from the principal chief of the Choctaw Nation of Indians, to accompany the bill (S. 8138) to authorize the Choctaw and Chickasaw Nations to bring suit in the Court of Claims, and for other purposes, introduced to-day by me. I ask that the memorial be printed as a Senate document, with illustrations, and referred to the Committee on Indian Affairs.

The PRESIDENT pro tempore. Without objection, it is so ordered.

HOUSE BILL REFERRED.

H. R. 27148. An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1914, and for other purposes, was read twice by its title and referred to the Committee on Post Offices and Post Roads.

## IMPEACHMENT OF ROBERT W. ARCHBALD.

OPINIONS OF SENATORS FILED AND PUBLISHED BY ORDER OF THE SENATE SITTING ON THE TRIAL OF THE IMPEACHMENT OF ROBERT W. ARCHBALD, CIRCUIT JUDGE OF THE UNITED STATES FROM THE THIRD JUDICIAL CIRCUIT, AND DESIGNATED TO SERVE IN THE COMMERCE COURT.

OPINION OF MR. CULLOM.

On articles 1, 2, 3, 5, 9, and 13 I have voted "guilty" because I believe the respondent is guilty of high crimes and misdemeanors, as charged in these articles.

The testimony clearly shows, in my opinion, that the respondent, by reason of his influence as a judge of the Court of Commerce, secured for himself and others with whom he was associated favors and concessions of value from railroads, which were, or might be, involved in litigation before the Court of Commerce. It is evident that these favors and concessions were granted by the railroads because they believed it would result advantageously to them. To refuse the demands of the respondent would result to their detriment.

I further believe that by his acts the respondent dishonored the high office which he occupied; that he was not honored as one should be occupying so exalted a position, but was regarded as a go-between to further the interests of others.

While I do not believe in the doctrine of recall, yet I do believe that every judge, State or Federal, should have regard for his oath and the law, and if he violates either he should be subjected to impeachment. Judges are placed on the bench to conserve and protect the interests of the people, dealing with one and all alike, and not to connive with others to deprive them of justice and fair treatment.

I voted "not guilty" on articles 4, 6, 7, 8, 10, 11, and 12, believing that they do not constitute the offense of high crimes and misdemeanors, and not because the acts were committed while the respondent was a judge of the district court. In my opinion the Senate would have jurisdiction to try respondent if the articles should warrant such action.

S. M. CULLOM.

OPINION OF MR. CUMMINS.

Statement submitted by ALBERT B. CUMMINS to accompany his votes upon the impeachment of Robert W. Archbald.

The material facts relating to articles 1, 2, 3, 4, 5, 7, and 12 are not in dispute. In my judgment, they are stated in the evidence of Judge Archbald himself as clearly and strongly as in any other part of the testimony. Article 13 does nothing more than to charge a course of conduct which is the legal effect of the facts established and admitted under the seven articles I have first enumerated.

The moral quality of the things done by the respondent was barely mentioned by his counsel, much less defended. This phase of the matter has been substantially ignored by counsel for the respondent and they have seemed to rely upon two propositions, viz: First, that none of the articles accuse the respondent of an offense indictable under the laws of the United States and that therefore there can be no conviction in an impeachment proceeding.

Second, that the respondent being a circuit judge can not be impeached for offenses committed during the time he was a district judge.

I can not accept either of these propositions. While I believe that it is within the power of Congress to provide a distinct procedure for the ascertainment of the behavior of a judge appointed to hold his office during good behavior, yet I have no doubt whatever that there may be misconduct in office which comes within the constitutional phrase "high crimes or misdemeanors." The common law recognized misconduct in office as a crime or misdemeanor; and it can not be fairly questioned that the framers of the Constitution intended to authorize impeachment for such offenses, even though Congress should never pass a criminal statute. It also seems clear to me that a crime or misdemeanor committed by the respondent while district judge which indicates unfitness to hold the office of circuit judge presents an impeachable offense. The identity in the character of the duties to be performed and the continuity of the service emphasize the correctness of this conclusion.

Nothing remains but to say that the conduct and practices admitted by the respondent under articles 1, 2, 3, 4, 5, 7, and 12 were so flagrantly wrong and so obviously in violation of the civilized sense of honor and propriety on the part of a person holding the office of judge that they compelled me to vote "guilty" upon each of these articles, and my vote upon article 13 followed as an inevitable consequence. My vote of "not guilty" upon articles 6, 8, and 9 was because, in my opinion, the evidence failed in an essential particular in each instance. A like vote on article 10 was because there was nothing wrong in the

thing actually done by the respondent, and a similar vote on article 11 was because the act admitted, though censurable, does not warrant impeachment.

OPINION OF MR. PENROSE.

Mr. PENROSE. I submit a statement of my views on the impeachment of Judge Archbald, which I ask may be filed.

Judge Archbald is 65 years of age, and has been upon the bench 28 years. It is not alleged or proved that he ever violated any law or wronged anyone. It is not alleged or proved that he ever neglected any duty, denied or delayed justice, was partial to any litigant, or even impatient with or discourteous to counsel or clients in any case. On the contrary, it was expressly admitted by the managers who were presenting the case that his integrity, both as a judge and as a man, were incontrovertible; that he was able, industrious, and impartial in the performance of his judicial duties and of good behavior on the bench. His private and public life, so far as has been either charged or proved, is stainless; and it was shown that the people where he lives and has lived for nearly 60 years, the lawyers who practice before him, and his associates on the bench, respect, esteem, and love him. It would be supposed from those admitted facts that there could be no doubt that he was a faithful public official and ought to be retained in his office. Yet he is charged in each of the 13 articles of impeachment with being guilty of a "high crime and misdemeanor," a charge wholly inconsistent with the facts admitted by the managers themselves, as above stated. Under such circumstances but little need be said touching each charge, but they will each be briefly referred to.

The facts touching article 1 show that a gentleman named John M. Robertson owned the Katydid culm dump, and that he was washing the coal from it when his washery burned down. He was required by his lease to pay royalty to the Hillside Coal & Iron Co., a subsidiary of the Erie Railroad Co., for all the coal taken from the dump, and that company in turn paid royalty to the Everhart heirs, who owned a half interest in the land from which the coal in the dump had been taken. Judge Archbald and Edward J. Williams obtained an option from Mr. Robertson by which they were to pay him $3,500 for his interest in the dump, and upon application to the Hillside Coal & Iron Co. its general manager said he would recommend a sale of its interests for $4,500, thus capitalizing the royalties it would otherwise have received.

The matter never was consummated, because the Everhart heirs disputed the right to dispose of their interest. The Erie Railroad Co. had been a litigant before the Commerce Court, of which Judge Archbald was a member, but the litigation was then pending in the Supreme Court of the United States, and the judge did not take part in the decision of any case in which that road was interested during or after the time of these negotiations. It was alleged in the articles of impeachment that the dump was of greater value than the price being paid for it, but that claim was abandoned at the trial. It may be that it would have been better had the judge not engaged in any other business than in the performance of his judicial duties, but until the doing so is forbidden by law the fact that he or any other judge does so can not make their act a "high crime and misdemeanor." Especially can no inference of improper conduct be drawn as against Judge Archbald, in view of the express admissions above stated.

In article 2 the judge is charged with assisting in the settlement of certain pending litigation between the Delaware, Lackawanna & Western Railroad Co. and the Marian Coal Co. for a consideration to be paid him in case the settlement was made. At the trial the claim that he was to be paid was abandoned. The facts showed that one C. G. Boland, a neighbor and friend of Judge Archbald for over 30 years, employed one George M. Watson, an attorney in Scranton, to try and settle that litigation. Watson asked Judge Archbald to introduce him (Watson) to the proper official of the railroad. The judge wrote several letters and had several interviews with officials of the railroad to arrange for meetings between them and Watson, but took part in no negotiations touching the matter. Much of that which the judge did was done at the request of his friend Boland, who urged the judge to do what he did because he (Boland) feared that his brother, who was largely interested in the Marian Coal Co., would lose his mind if the case was not settled. It never was settled, and nobody was in any way harmed or wronged. To some it may seem that it would have been better had the judge not tried to help his old friend, but as no law forbade it surely it can not properly be called a "high crime and misdemeanor."

The facts as to article 3 show that the judge and three others tried to lease Packer No. 3 culm dump from the Girard estate with the consent of the Lehigh Valley Coal Co., which had a lease upon that and much other property of the Girard estate which lease was about expired. The Girard estate did not care to lease the dump, and nothing further was done in the matter. Here also it may be said that it would have been better had the judge not attempted to engage in business, but no law forbade it, and admittedly it did not affect him in any way.

The charge in article 4 is that the judge communicated with counsel on one side of a pending litigation without communicating the facts to counsel on the other side. It appeared that the case of the Louisville & Nashville Railroad Co. *v.* Interstate Commerce Commission had been argued in the Commerce Court, and in consultation the judges of that court had determined to decide the case against the railroad. Judge Archbald dissented from that conclusion, and in the course of writing his dissenting opinion discovered that there was a mistake in the typewritten testimony. He wrote to the counsel who offered that deposition in evidence to find if he was not correct in that conclusion, and upon receiving a reply that he was he pasted that letter on the margin of the testimony where everybody could see it. Subsequently he wrote to the same counsel in regard to a claim that there appeared in the evidence proof that the commodity rates which had been part of the litigation before the Interstate Commerce Commission showed frequent changes from what was known as the Cooley award, which formed the basis of all rates in the territory where the railroad operated. The answer showed that the case in the Commerce Court had nothing to do with commodity rates, because that matter had not yet been decided by the Interstate Commerce Commission. He did not show either letter to counsel on the other side, nor did either letter have anything to do with the decision of the case, the opinion in which, so far as relates to these two matters being written by another judge and decided upon grounds not referred to in either letter.

Article 5 charged that the judge received $500 for attempting to induce the Philadelphia & Reading Coal & Iron Co. to sell a culm dump to one Frederick Warnke. Six witnesses testified that that charge was untrue and no one testified that it was. The $500 was in fact paid as a commission for effecting the sale of a fill belonging to the Lacoe & Shiffer Coal Co. to the Premier Coal Co. Of that commission the judge received $250, but the matter had no connection whatever with Mr. Warnke and the Philadelphia & Reading Coal & Iron Co.

The allegation in article 6 that the judge used his influence to induce the Lehigh Valley Railroad Co. to purchase from the Everhart heirs their interest in 600 acres of land had no evidence to support it, nor would it have been a high crime and misdemeanor had the fact been so.

Article 7 charged that the judge corruptly agreed to purchase from one W. W. Rissinger an interest in a gold-mining scheme in Honduras; that while that matter was pending he acted as judge at the trial of a case in which Rissinger was largely interested and indorsed a note for $2,500, which was duly discounted and the proceeds of which was to pay for the interest in the gold-mining scheme. The evidence uncontradictedly showed that the note was indorsed five days after the case was ended, that it was not given for stock, but was purely for the accommodation of Rissinger, who had been a scholar in the judge's Bible class, and that the stock was held by the judge as collateral security for the payment of the note.

Articles 8 and 9 charged that the judge indorsed a note for $500, which he caused to be presented to C. G. Boland and W. P. Boland, who were interested in the company which was a party litigant in his court, and when they refused to discount it he caused it to be presented to one C. H. Von Storch, who had been a litigant in his court some time before, and that Von Storch caused his bank to discount it. The facts were shown to be that the judge indorsed the note as an accommodation to a friend, who alone arranged all the matters stated. All agreed that the judge saw no one in relation to the matter and that the only correspondence or conversation he had was with Von Storch, who called him up on the telephone to inquire if the indorsement was genuine. No one pretends that the judge ever did anything further in regard to the matter.

Article 10 charges that in 1910 the judge went to Europe at the expense of and as the guest of Henry W. Cannon, who was a director and officer of several corporations who might become litigants in the judge's court, which then was the middle district of Pennsylvania. The facts were that the corporations were the Great Northern Railroad and certain Pacific coast corporations, who never had and never were likely to have any litigation in that court; that Mrs. Archbald and Mr. Cannon were first cousins; had grown up together and been lifelong friends; that she had been ill; that Mr. Cannon invited her and the judge to visit him at his cottage near Florence; and that the judge, who had not had a vacation for several years,

consulted with the other judges in his circuit, and was advised to go with his wife, and did go. Why he should not have gone nobody can see. Certainly no one can understand how it is possible under the admission as to good character—integrity, as hereinbefore stated—it is possible to suppose that his going constituted a "high crime and misdemeanor."

Article 11 charged that when he went on that trip he accepted a gift of over $500 from attorneys practicing in his court. It appeared that a few minutes before the vessel sailed Judge Alonzo T. Searle, of Wayne County, Pa., handed Judge Archbald a sealed envelope, on which was written "Hon. R. W. Archbald. Sailing orders: Not to be opened until 24 hours at sea." When he asked what it meant he was told "A good sailor obeys orders." After the vessel sailed, he opened the envelope and found in it a list of subscribers to the fund who had been personal friends for many years and the sum of money. He was thus placed in a cruel dilemma, for if he returned the money it would appear as if he were accusing them of wrongdoing. For that reason he kept it. Until he opened the envelope he did not know that any attempt had been made or was being made in regard to that matter. That he can be guilty of a "high crime and misdemeanor" because when it was too late to return it to Judge Searle he did not metaphorically slap his friends in the face by returning it is not even conceivable.

Article 12 complains because he appointed a lawyer who was counsel for a railroad company as jury commissioner. The law requires that the jury commissioner shall be a citizen of the district in good standing and of the opposite party from the clerk of the court. The appointee, J. Butler Woodward, was all those things, and we are told, and no one contradicted it, that he comes from an honorable and respected family in Pennsylvania. The managers admitted at the trial that he had done nothing wrong, and it was proved by the records that he did not practice in the court of which he was jury commissioner. If a lawyer ought not to be a jury commissioner, it is easy to say so by act of Congress, but there is as yet no such act. Hence there can be no just ground of complaint against the judge.

Article 13 is a general clause without particulars, intended to embrace in general language the first nine articles, except the fourth, without adding anything new. Judge Archbald was declared not guilty upon the second, sixth, seventh, eighth, ninth, tenth, eleventh, and twelfth articles.

OPINION OF MR. PAYNTER.

Mr. PAYNTER. Mr. President, I have prepared a statement of my reasons for my votes in the Archbald impeachment case. While I do not think it requires an order, I do not like to submit them without announcing that I am ready to file and do file them.

I have reached the conclusion to vote not guilty on each of the articles of impeachment. I do not intend to enter into an extended discussion in giving the reasons which have influenced me in reaching that conclusion. I shall not attempt to cite the precedents which bear upon the question, but I am of the opinion that they do not support the position of the prosecution. My opinion is that the reasoning of the authorities and eminent men who have taken the position that it is essential to maintain an article of impeachment that the accused should be charged with a crime for which an indictment would lie is conclusive.

The penalty in case of conviction is of a very serious character, and for that reason we are strongly admonished to proceed to the consideration of the case as just and impartial judges. If the respondent has committed the acts with which he is charged, then he violated neither statute or common law of the land, nor could such acts be the basis for a prosecution by indictment or information; besides, the alleged acts are not of a character which show turpitude.

After reading the testimony, and especially after hearing the respondent in his own behalf, I am thoroughly convinced that he did not do a single act with any purpose to misuse the official position which he then held. No act, save one, of which complaint is made was an official act. The only one that can be said to be official was the appointment of a jury commissioner, which was his duty under the law to do. The man appointed was not only capable but was a high type of man and worthy to fill the position.

The logic of the prosecution is reduced to this, that though the acts were not official and did not make him guilty of a crime, nor did they involve turpitude, still he should be removed from office and disgraced because he happened at that time to hold the official positions named.

It had been urged by the prosecution that each Senator should erect his own standard, determine the quality of the acts charged, and the respondent's guilt or innocence by that standard. The position of the prosecution is well stated by one of the managers when he said:

> Each Senator must fix his own standard, and the result of this trial depends upon whether or not these offenses we have charged against Judge Archbald come within the law laid down by the conscience of each Senator for himself.

If this be true, then each Senator can enact a statute at the time he votes and impose the penalty which is prescribed by the Constitution for entirely different acts than those for which one is being tried. Those who made the Constitution to protect the lives and the liberties of the people declared that there could be no ex post facto laws enacted, yet each Senator, in the trial of an impeachment proceeding, can then enact an ex post facto law and inflict a punishment for its violation. If this is to be the rule of action by a court, then it no longer can be said to be a government of law; it can no longer be said that the life and liberty of the citizen is safe. While such a rule differs in character from the rule of the mob, yet it is slightly less objectionable.

If such a doctrine is to prevail, then there is too much danger that the consciences of those who try impeachment cases will be affected by a hysterical or debauched public sentiment. Let us hope that this body may never proclaim such a rule, because if it does then is great danger that on some future occasion a sane and safe judicial sentiment may not pervade this Chamber, but, on the contrary, there may be seen the spirit of the mob stalking in its hideous form within these sacred walls.

Should this ever come to pass, the sane and patriotic people of the land will be justified in exclaiming "O judgment! Thou art fled to brutish beasts!" Mr. Story seems to have entertained the views which I have expressed, for he said, in his work on the Constitution, volume 1, page 538:

> The latter is so incompatible with the genius of our institutions that no lawyer or statesman would be inclined to countenance so absolute a despotism of opinion and practice which might make that a crime at one time or in one person which would be deemed innocent at another time or in another person.

At a time when passion was swaying the minds of the people in this country, and when a majority of the leaders of the then dominant political party desired to impeach Andrew Johnson, then President of the United States, the House of Representatives refused to break from its constitutional moorings and adopt a resolution looking to the impeachment of Andrew Johnson, when the articles reported did not charge him with a crime. The minority of the committee of the House of Representatives which passed upon the question presented their views to the House of Representatives, to the effect that as no indictable offense was charged an impeachment proceeding could not be sustained, and the House accepted their view of the law as the correct one.

It discusses with such great clearness the legal question involved in this case I take the liberty of quoting from that report as follows:

> The Constitution of the United States declares that "the House of Representatives * * * shall have the sole power of impeachment." What is the nature and extent of this power? Is it as boundless as it is exclusive? Having the sole power to impeach, may the House of Representatives lawfully exercise it whenever and for whatever a majority of the body may determine? Is it a lawless power, controlled by no rules, guided by no reason, and made active only by the likes or dislikes of those to whom it is intrusted? Have civil officers of the United States nothing to insure them against an exercise of this power except an adjustment of their opinions and official conduct to the standard set up by the dominant party in the House of Representatives? Happily for the Nation this power is not without its constitutional boundaries and is not above the law. When we examine the Constitution to ascertain in what cases the power of impeachment may be exercised—for what acts civil officers may be impeached—we are informed that—
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> "The President, Vice President, and all civil officers of the United States shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors." (Art. II, sec. 2.)
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> In these cases only can the power of impeachment be lawfully used. It would seem to be difficult to mistake the import of this plain provision of the fundamental law of the land; and yet it is not free from conflicting interpretations. This conflict does not arise upon the terms "treason" and "bribery," for they are too well understood and too clearly defined in the Constitution and the laws of the land to admit of any disputation concerning them. They are both crimes of a high grade, and punishable upon indictment in the courts of the United States. They are offenses against the public weal, with just and adequate penalties prescribed for them by the law of the Nation. There is no difficulty in ascertaining the meaning of the Constitution, in so far as it relates to these crimes. Whatever conflict of opinion has arisen respecting the extent of the power of impeachment finds its origin in the terms "other high crimes and misdemeanors." These terms, it has been claimed, give a latitude to the power reaching far beyond the field of indictable offenses. This doctrine is denied. Here arises the only doubt concerning the jurisdiction of the impeaching power of the House of Representatives.
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> The fact that the framers of the Constitution selected by name two indictable crimes as causes of impeachment would seem to go far toward establishing as the true construction of the term "high crimes and misdemeanors" that all other offenses for which impeachment will

lic must also be indictable. Having fettered the House of Representatives by naming two well-defined crimes of the highest grade, it is not to be presumed that the same hands which did it clothed the House with the right to ramble through all grades of crimes and misdemeanors, all instances of improper official conduct and impropriety of official life, grave and unimportant, harmful and harmless, alike. It is unreasonable to say that the men who framed our Constitution, after undertaking to place a limitation on the power of impeachment, ended their effort by throwing away all restraints upon its exercise and placing it entirely within the keeping of those upon whom it was intended to confer only a limited power. There is something more stable than the whims, caprices, and passions of a majority established as a restraint upon this power by the Constitution. The House of Representatives may impeach a civil officer, but it must be done according to law. It must be for some offense known to the law and not created by the fancy of the Member of the House. As was very pertinently remarked by Hopkinson on the trial of Chase, "The power of impeachment is with the House of Representatives, but only for impeachable offenses. They are to proceed against the offense, but not to create the offense and make any act criminal and impeachable at their will and pleasure. What is an offense is a question to be decided by the Constitution and the law, not by the opinion of a single branch of the Legislature; and when the offense thus described by the Constitution or the law has been committed, then, and not till then, has the House of Representatives power to impeach the offender."

A civil officer may be impeached for a high crime. What is a crime? It is such a violation of some known law as will render the offender liable to be prosecuted and punished. "Though all willful violations of rights come under the generic name of wrongs, only certain of those made penal are called crimes." (Encyc. Brit., Vol. XIII, 275.) The offense must be a violation of the law of the sovereignty which seeks to punish the offender; for no act is a crime in any sovereignty except such as is made so by its own law. In England no act is a crime save such as is so declared either by the written or unwritten law of the Kingdom, and therefore only crimes by the law of England are indictable in England. Crimes are defined and punished by law—by the law of the sovereignty against which the crime is committed—and nothing is a crime which is not thus defined and punished. "Municipal law" (which, among its multiplicity of offices, defines and punishes crimes) "is a rule of action prescribed by the supreme power in a State, commanding what is right and prohibiting what is wrong." (1 Blackstone, 44.) Nothing is a crime which is not such a breach of this command or prohibition as carries with it a prescribed penalty. Hence Blackstone said: "All laws should be therefore made to commence in futuro." The citizen must be notified of what acts are crimes, and he can not be lawfully punished for any others. The reasonableness of this rule was appreciated and its enforcement provided for by the convention which framed the Constitution of the United States when they placed in that instrument the declaration that "no * * * ex post facto law shall be passed." No act which was not a crime at the time of its commission can be made so by subsequent legislative or judicial action; and this doctrine is as binding on the House of Representatives when exercising its powers of impeachment as when employed in ordinary criminal legislation.

All that has been said herein concerning the term "crimes" may be applied with equal force to the term "misdemeanors," as used in the Constitution. The latter term in nowise extends the jurisdiction of the House of Representatives beyond the range of indictable offenses. Indeed, the terms "crime" and "misdemeanor" are, in their general sense, synonymous, both being such violations of law as expose the persons committing them to some prescribed punishment; and, although it can not be claimed that all crimes are misdemeanors, it may be properly said that all misdemeanors are crimes. Blackstone, in his Commentaries, states it thus: "In common usage, the word crimes is made use of to denote such offenses as are of a more atrocious dye; while smaller faults, and omissions of less consequence, are comprised under the gentle name of misdemeanors only." Hale, in his Pleas of the Crown, states the doctrine in this wise: "Temporal crimes, which are offenses against the laws of this realm, whether the common law or acts of Parliament, are divided into two general ranks, or distributions, in respect to the punishments that are by law appointed for them, or in respect of their nature or degree; and thus they may be divided into capital offenses, or offenses only criminal, or rather, and more properly, into felonies and misdemeanors. And the same distribution is to be made touching misdemeanors, namely: They are such as are so by the common law, or such as are specially made punishable as misdemeanors by act of Parliament."

Thus it appears that the terms "crime" and "misdemeanor" merely indicate the different degrees of offenses against law—crime marking the felonious degree, misdemeanor denoting "all offenses inferior to felony." Both indicate indictable offenses. They are terms of well-established legal signification. There is nothing uncertain about them. The framers of the Constitution used these terms as terms of art, and we have no authority for expounding them beyond their true technical limits.

An examination of the several provisions of the Constitution which have any bearing upon this subject will strengthen the position hereinbefore assumed. Section 3, Article I, reads thus: "The Senate shall have the sole power to try all impeachments. When sitting for that purpose they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside, and no person shall be convicted without the concurrence of two-thirds of the Members present." When the Senate is organized under this section of the Constitution as a high court of impeachment, it is simply a court of special criminal jurisdiction—nothing more, nothing less. It is bound by the rules which bind other courts. It is as much restrained by law as any other criminal court. It is not a tribunal above the law and without rule to guide it; if it were, it might well be addressed in the language of Burke, in one of his speeches in the Hastings case, when he said: "This high court, * * * this highest court of criminal jurisdiction, exercised upon the requisition of the House of Commons, if left without a rule, would be as lawless as the wild savage and as unprincipled as the prisoner that stands at your bar." (Burke's Works, vol. 8, p. 8.) No man would be safe before such a court—a court that could make the crime, determine its mode of proof, pronounce and execute judgment without restraint from the Constitution or laws of the land. No such irresponsible engine of wrong and oppression has been created by the Constitution. The British constitution allows no such unrestricted power to the House of Lords. "An impeachment before the Lords by the Commons in Great Britain, in Parliament, is a prosecution of the already known and established law and has been frequently put in practice, being a presentment to the most high and supreme court of criminal jurisdiction by the most solemn grand inquest of the whole Kingdom" (4 Blackstone, 259); and when this most high and supreme court of criminal jurisdiction is assembled for the trial of a person impeached for a violation of the "already known and established law" it must proceed according to the known and established law, for although "the trial must vary in external ceremony, it differs not in essentials from criminal prosecutions before inferior courts. The same rules of evidence, the same legal notions of crimes and punishments prevail." (Woodeson, vol. 2, 611.) A doctrine which would assert for the Senate of the United States greater and more despotic power in cases of impeachment than is possessed by the House of Lords will never be accepted by the American people.

If the Senate, sitting as a high court of impeachment, is not to be bound by the laws which bind other courts, why require the Senators to be put on oath or affirmation? If this court may declare anything a high crime or misdemeanor which may be presented as such by the House of Representatives and pronounce judgment against a civil officer thereon, why swear the members of the court at all? The oath is not a solemn mockery. It is prescribed for some good purpose. What is it? The form of oath adopted by the Senate in Chase's case affords a very satisfactory answer, and it is therefore here quoted, as follows: "You solemnly swear or affirm that in all things appertaining to the trial of the impeachment of ———, you will do impartial justice according to the Constitution and laws of the United States." (Chase's Trial, vol. 1, p. 12.) This oath is very comprehensive. It covers the charge, the evidence, and all the rules thereof; the decisions upon all questions arising during the progress of the trial; and the final judgment. In all these several respects the members of the court are to be guided by the Constitution and laws of the United States. They can try upon no charges other than treason, bribery, or other high crimes and misdemeanors; and the offense charged must be known to the Constitution or to the laws of the United States. The rules of evidence under and in pursuance of which crimes may be proved upon indictment in the courts of the United States are to be observed. The judgment "shall not extend further than a removal from office and disqualification to hold and enjoy any office of honor, trust, or profit under the United States." The office of the oath is to insure a strict observance of these requirements of the Constitution and the laws. This seems clear without further reference to other provisions of the Constitution; but it is proper that we should look at all of its clauses bearing upon the question under discussion.

The Constitution having created a court for the trial of impeachments, prescribed its jurisdiction and placed a limitation on its power to pronounce judgment, then declares that "the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment, according to law." It would seem difficult, indeed, to misunderstand this language. A civil officer convicted on impeachment is, notwithstanding such conviction, still liable to a prosecution for the same offense in the courts of ordinary criminal jurisdiction. How can this be if his offense be not an indictable crime? The court of impeachment can not apply the usual statutory punishment. It can not go beyond removal from and disqualification to hold office under the United States. The enforcement of other penalties for the same criminal conduct is left to the criminal courts of the country after conviction upon indictment. Is not this substantially a constitutional direction to the court of impeachment not to convict a civil officer of any crime or misdemeanor for which an indictment will not lie? This view of the question was very forcibly stated by Mr. Martin in his argument in Chase's case, in these words: "The very clause in the Constitution of itself shows that it was intended the persons impeached and removed from office might still be indicted and punished for the same offense, else the provision would have been not only nugatory but a reflection on the enlightened body who framed the Constitution, since no person ever could have dreamed that a conviction on impeachment and a removal from office in consequence for one offense could prevent the same person from being indicted and punished for another and different offense." (Chase's Trial, vol. 2, p. 137.) How can the force of this argument be avoided? Wherein does it lack the support of sound reason and good sense? But it does not rest merely upon the clauses of the Constitution above quoted; others, yet to be noticed, give it much additional strength, and these will now be examined.

The section of the Constitution securing the trial by jury reads as follows: "The trial of all crimes, except in cases of impeachment, shall be by jury." (Sec. 2, Art. III.) Can it be successfully claimed that the word "crimes," as here used, is less comprehensive than it is where it occurs in section 4 of Article II? If not, then the crimes for which a civil officer may be impeached are the subjects of indictment or presentment; for such only can be tried by a jury. Any act which is a crime within the meaning of the last-named section is also a crime within the intent of the former, although the converse of this proposition is not true, as it is not every crime which a jury may try that will render a civil officer committing it liable to impeachment. For the latter purpose the crime must "have reference to public character and official duty." (Rawle on the Constitution, 204.) The plain inference to be drawn from the section is, "that cases of impeachment are cases of trials for crimes."

Again, in that part of the Constitution which clothes the President with the power to grant pardons, it is said, "He shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment." (Art. II, sec. 2.) What is the meaning of the term "offenses"? It can not mean less than such acts as render offenders liable to punishment, else why is a pardon necessary or even desirable? No one needs a pardon who has not committed a crime. A pardon shields from or relieves of punishment. Punishment follows trial and conviction. Trial and conviction for crime can be had only for a violation of an existing law declaring the act done a crime. The term offenses, then, means crimes, in which, of course, is included misdemeanors.

High crimes and misdemeanors are subject to two jurisdictions—first, in the ordinary criminal courts of the country; second, in the high court of impeachment. The same party, for the same acts, may be on trial in both tribunals at the same time. If convicted in both cases, the President may pardon the criminal and relieve him of the consequences resulting from a conviction by the first-named jurisdiction, but the Constitution forbids his interference with the last. The grant of power and the exception are both in the same clause of the same section, and the fact that they are thus intimately associated shows that they relate to the same subjects—indictable offenses.

So intimately are these several sections and clauses of the Constitution connected with each other; so unerringly do they point in the same direction; so irresistibly do they suggest a consecutive train of thought; so perfectly does each part adjust itself to the whole, that it seems impossible to escape the conclusion that nothing less than an indictable crime or misdemeanor will support an impeachment of a civil officer of the United States. A fact recorded in the trial of Chase is very suggestive in this connection. Eight articles were preferred against him by the House of Representatives. It seems to have been admitted that all of the articles except the fifth charged him with

criminal conduct. In regard to the fifth, his counsel made the point that it did not "charge in express terms some criminal intent on the respondent." The proof was as clear upon this article as it was upon the remaining seven. Thirty-four Senators voted on the several articles, and while the votes on seven of them ranged from 4 to 19 for conviction, every Senator answered "Not guilty" on the fifth. It is fair to conclude, in view of the proof submitted in support of the several articles, that the members of the court approved the position taken by the counsel of Chase on the trial.

It is claimed by those who oppose the doctrine herein advanced that it is contrary to the current of the English and American authorities. This is an error which a careful examination of the cases will not fail to expose. Comparatively little attention has been devoted to the power of impeachment and to the laws and principles which govern it in this country. Popular opinion is more at fault with respect to this subject than perhaps any other within the entire range of the Constitution. It is generally considered a kind of unlimited, undefined, and undefinable power, whose proper office it is to supply all defects of law and to provide all desired remedies respecting civil officers and their official conduct—a patent medicine for the speedy cure of all cases which baffle the skill of the regular practice. It seems strange that this idea should have become so prevalent, for it has not a fair, impartial, well-considered case in either the United States or Great Britain to support it.

The first case of impeachment by the House of Representatives was that of William Blount, a Senator from the State of Tennessee, in 1797. The articles in this case were five in number. "The first charged the said William Blount with intending to carry into effect a hostile expedition in favor of the English against the Spanish possessions of Louisiana and Florida; the second, with attempts to engage the Creek and Cherokee Indians in the said expedition; the third, with having alienated the affections of the said Indians from Ben. Hawkins, an agent of the United States among the Indians, the better to answer his said purposes; the fourth, with having seduced James Cary, an interpreter of the United States among the Indians, for the purpose of assisting in his criminal intentions; and the fifth, with having attempted to diminish the confidence of the Cherokee Indians in relation to the boundary line, which had been run in consequence of the treaty which had been held between the United States and the said Indians." (Annals of Congress, 5th Cong., vol 1, pp. 499, 919.) These charges were set out with great particularity and were declared to be criminal breaches of Blount's "trust and station as a Senator, in violation of the obligations of neutrality, and against the laws of the United States." They were undoubtedly regarded as indictable offenses. Why they were so regarded will appear hereafter.

Blount appeared by his counsel, Jared Ingersoll and A. J. Dallas, who entered in his behalf a plea to the jurisdiction of the court. The plea set up four reasons why the court should not entertain jurisdiction of the case, though it appears that the matter was disposed of upon a single point. After argument, the following motion was voted on by the court: "That William Blount was a civil officer of the United States, within the meaning of the Constitution of the United States, and therefore liable to be impeached by the House of Representatives; that as the articles of impeachment charge him with high crimes and misdemeanors, supposed to have been committed while he was a Senator of the United States, his plea ought to be overruled."

The vote of the Senators upon this motion stood—yeas 11, nays 14; and thereupon the managers of the House of Representatives and the counsel for Blount were informed that—

The court is of opinion that the matter alleged in the plea of the defendant is sufficient in law to show that this court ought not to hold jurisdiction of the said impeachment, and that the said impeachment is dismissed." (Ibid., vol. 2, pp. 2318, 2319.) This is the only point decided in the Blount case.

The next case presented by the House of Representatives was that against John Pickering, judge of the United States District Court of the District of New Hampshire. He was charged with gross misconduct in the trial of a revenue case which grew out of the seizure of a certain vessel for a breach of the revenue laws contrary to his "trust and duty as a judge of the said district court, against the laws of the United States, to the great injury of the public revenue, and in violation of the solemn oath which he had taken to administer equal and impartial justice"; and that he did this "wickedly, intending to injure the revenues of the United States, and thereby to impair their public credit." This was the substance of three of the articles presented in the case. The other one (there being four in all) charged him with "being a man of loose morals and intemperate habits"; and that he appeared on the bench for the purpose of administering justice "in a total state of intoxication," * * * "and did then and there frequently, in a most profane and indecent manner, invoke the name of the Supreme Being," etc. (Ibid., 1st sess., 8th Cong., 321.)

Judge Pickering did not appear in the case, but his son sent to the Vice President a petition, which was laid before the court, asking for a postponement of the trial, and that, as his father was incapable of defending himself, he might be defended by his friends. The petition alleged, among other things, that "at the time when the crimes wherewith the said John [Pickering] stands charged are supposed to have been committed the said John was, and for more than two years before and ever since has been, and now is, insane, his mind wholly deranged, and altogether incapable of transacting any kind of business which requires the exercise of judgment or the faculties of reason, and, therefore, that the said John Pickering is incapable of corruption of judgment, no subject of impeachment, or amenable to any tribunal for his actions." (Ibid., 328.)

A discussion arose on this petition, in which the managers of the House of Representatives opposed the reception of the petition and the introduction of evidence in support. But the court decided to "hear evidence and counsel respecting the insanity of John Pickering" by a vote of—yeas 18, nays 12. (Ibid., 332.) A number of depositions were read in support of the petition, and it will be difficult to find any fact in the case better supported or more substantially proved than that of the insanity of the respondent. This issue was a grave and pertinent one, and yet the court, after deciding to entertain it and proceeding to its trial, finally disposed of the case as though no such issue had been raised. This conduct of the court is both remarkable and discreditable; but not more so than its final action on the question of the guilt or innocence of the accused. Pickering was impeached for high crimes and misdemeanors. If convicted at all, the Constitution required that it should be for high crimes and misdemeanors, as there were no charges of treason or bribery in the case. In order that the guilt or innocence of the respondent should be directly passed upon by the court, without any improper evasion of its real and legal merits, Senator White moved that the "following question be put to each Member upon each article of impeachment, viz, Is John Pickering, district judge of the district of New Hampshire, guilty of high crimes and misdemeanors upon the charges contained in the —— article of impeachment, or not guilty?" The mover stated that he had borrowed the form of the question from the one used in the case of Warren Hastings. The question was fair in form, and presented the identical issue which the court was about to decide; but it did not suit the purposes of those who were determined to convict; and it was rejected by a vote of—yeas 10, nays 18. Thereupon Senator Anderson moved the following form, viz, "Is John Pickering, district judge of the district of New Hampshire, guilty as charged in the —— article of the impeachment exhibited against him by the House of Representatives?" This form was adopted by—yeas 18, nays 9. (Ibid., 364.) So the court, after entertaining the plea of insanity and neglecting to decide it, on the foregoing evasive and unmeaning question, convicted Pickering on each article, and removed him from office; but this end was reached by a strict party vote. Senator Dayton said of the form of the question and the reason of its adoption: "They were simply to be allowed to vote whether Judge Pickering was guilty as charged—that is, guilty of the facts charged in each article—aye or no. If voted guilty of the facts, the sentence was to follow, without any previous question whether those facts amounted to a high crime or misdemeanor. The latent reason of this course was too obvious.

There were Members who were disposed to give sentence of removal against this unhappy judge, upon the ground of the facts alleged and proved, who could not, however, conscientiously vote that they amounted to high crimes and misdemeanors, especially when committed by a man proved at the very time to be insane, and to have been so ever since, even to the present moment." (Ibid., 365.) If this rule is to be followed, any civil officer may be impeached, convicted, and removed from office, for acts entirely proper and strictly lawful. Who can wonder that members of the court denounced the whole proceeding as "a mere mockery of trial"? Surely, the case reflects no credit on the Senate which tried it, and in one short year the Members of the body seem to have arrived at the same conclusion; for, on the trial of Judge Chase, the form of the question adopted to be propounded to each member of the court was as follows, viz, "Mr. ———, how say you; is the respondent, Samuel Chase, guilty or not guilty of a high crime or misdemeanor, as charged in the ——— article of impeachment?" (Ibid., 2d sess., 8th Cong., 664.) It is to be hoped that no one will ever quote the Pickering case as an authority to guide the House in presenting, or the Senate in trying, a case of impeachment. It decided nothing except that party prejudice can secure the conviction of an officer impeached in spite of law and evidence.

The next case carried to the Senate by the House of Representatives has gone into history as one "without sufficient foundation in fact or law." (Hildreth's History of the United States, Vol. V, 254.) The case of Samuel Chase, a judge of the Supreme Court of the United States, is now referred to. Chase was impeached for high crimes and misdemeanors in eight articles. It is not necessary to set out the substance of these articles. One of them was founded on his conduct at the trial of John Fries for treason, before the circuit court of the United States at Philadelphia, in April and May, 1800, more than four years before his impeachment. Five of them were based on his conduct at the trial of James Thompson Callender "for printing and publishing against the form of the act of Congress, a false, scandalous, and malicious libel," etc., "against John Adams, then President of the United States," etc. The remaining two rested on his charge to the grand jury in and for the district of Maryland in May, 1803, and his refusal to discharge the grand jury in and for the district of Delaware in June, 1800. The articles portrayed the conduct of Judge Chase in as offensive a manner as the committee could command. The bitterness of Randolph appeared in every article, and the enemies of the accused felt confident of his conviction.

Chase answered minutely and elaborately to the several articles, and filed against each the following plea, viz, "And the said Samuel Chase, for plea to the said article of impeachment, saith that he is not guilty of any high crime or misdemeanor, as in and by said first article is alleged; and this he prays may be inquired of by this honorable court in such manner as law and justice shall seem to them to require." (Ibid., 117.) This was the issue on which the case went to trial. The result was the acquittal of Chase on each article. This result was not owing to a failure of the evidence produced to support the facts alleged; for, so far as at least four of the articles are concerned, the allegations were supported in almost every particular; and had the same form of question been used on the conclusion of the trial as was adopted in the Pickering case, Chase doubtless would have been convicted. The questions propounded in both cases have already been quoted, and a mere glance at them will show how Pickering was convicted and Chase acquitted.

If this case establishes anything, it is that an impeachment can not be supported by any act which falls short of an indictable crime or misdemeanor. This point was urged by the able counsel for Chase with great ability and pertinacity; and the force with which it was presented drove the managers of the House of Representatives to seek shelter under that clause of the Constitution which says: "The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior." (Manager Nicholson's speech, ibid., 597.) This provision, respecting the tenure of the judicial office, it was claimed would authorize the impeachment of a judge for misbehavior which would not support an indictment. The court did not approve this position, and very properly; for as the Constitution provides that civil officers may be impeached for high crimes or misdemeanors, and nothing is known to the law as a high crime or misdemeanor which is not indictable, of course an impeachment for anything else would be improper.

If the position assumed by the managers in the Chase case, that a judge may be impeached for mere misbehavior in office, not amounting to an indictable offense, because such conduct is a breach of the tenure by which the judicial office is held, is correct, what would be its effect on the case which this committee now have in hand? If resort must be had to the clause of the Constitution which prescribes the tenure of the judicial office to justify an impeachment of a judge on account of conduct not known to the law as a crime, does it not reach too far to serve the purposes of those who would impeach the President of the United States because of acts for which he may not be indicted? The President holds his office by a different tenure. The Constitution says: "The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years." (Art II, sec. 1.) This provision of the Constitution stands firmly in the way of those persons who would tone down the term misdemeanor below the indictable standard by resorting to the clause fixing the judicial tenure. Judges hold their respective offices during good behavior; the President holds for a definite time—four years. If, therefore, the argument proves anything in the former case, it proves too much for the latter. If a judge may be impeached for nonindictable conduct because he holds his office during good behavior, it follows

logically that an officer who holds for a term of years can not be so impeached. This exposes the fallacy of the entire argument.

In 1830 the House of Representatives carried another impeachment to the Senate for trial. This was the case against James H. Peck, judge of the district court of the United States for the district of Missouri. The charge against Judge Peck was of high misdemeanor in office. But one article was presented, which set out with great particularity the facts on which the accusation was based and charged that the "said James H. Peck, judge as aforesaid, unmindful of the solemn duties of his station, and that he held the same, by the Constitution of the United States, during good behavior only, with intention wrongfully and unjustly to oppress, imprison, and otherwise injure Judge Edward Lawless, did, thereafter, at a term of the said district court of the United States for the district of Missouri, * * * arbitrarily, oppressively, and unjustly, and under color and pretense that the said Luke Edward Lawless was answerable to said court, * * * as for a contempt thereof," etc.; that he caused Lawless to be unlawfully arrested; that he unjustly, oppressively, and arbitrarily imprisoned said Lawless in the common prison and suspended him from practicing in said court, "to the great disparagement of public justice, the abuse of judicial authority, and to the subversion of the liberties of the people of the United States." (Trial of Judge Peck, 51.)

Peck filed a lengthy answer, in which he justified his conduct. He alleged that "in all the actions and doings of the respondent in the premises he avers that he was supported and justified by the Constitution and laws of the land." This was the issue tendered by the respondent. He did not rest upon any real or supposed weakness of the case, as presented by the House of Representatives, but boldly declared that his conduct was proper, lawful, and right. He elected to present an affirmative defense and to rely upon the strength of his own cause, and the court sustained him. The vote stood "guilty," 21; "not guilty," 22. (Ibid., 474.)

The next and last case of impeachment by the House of Representatives was that of West H. Humphries, judge of the United States district court for the several districts of the State of Tennessee, in 1862. Seven articles were preferred against Humphries. Each of them charged him in direct and indirect terms with the crime of treason, for they all occurred after the secession of South Carolina and the assembling of armed men to enforce and render successful the treasonable position assumed by that State. The South Carolina convention passed the ordinance of secession on the 17th day of December, 1860. The first criminal act laid to the charge of Humphries was alleged to have transpired on the 29th day of December, 1860, at which time he urged the people of Tennessee to secede, and thus made himself a party to the treason which had already levied war against the United States in South Carolina. The third article charged him with having, in conjunction with others, organized armed rebellion and levied war against the United States; and all of the other articles charged treasonable acts upon him. (Congressional Globe, vol. 48, p. 2277.) Humphries was convicted, as it was right he should be. He was charged with a crime against the known law of the land; he was a traitor against the Government of the United States.

Five cases only of impeachment have been presented to the Senate by the House of Representatives. One of them, as has been shown, was disposed of on a plea to the jurisdiction of the court, two resulted in the acquittal of the accused, and two in conviction.

An examination of the English cases will not, it is believed, lead to a different conclusion. Cases can doubtless be found wherein Parliament has exercised this high power in a most extraordinary manner and convicted persons upon charges not indictable. The power of Parliament over the subject is far greater than that which the two Houses of Congress can exercise over the citizen. The power of Parliament embraces impeachments, bills of attainder, and bills of pains and penalties. In times of high party excitement this power has been in some cases most shamefully and oppressively exercised. Excitement arising from other causes has sometimes put this irresponsible engine of good and evil into motion.

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When we take up the reports of the well-considered case of parliamentary impeachments, cases which were controlled by the judgments instead of the passions of men, we find but little difficulty in ascertaining the doctrines on which they rest. No unbiased mind can be misguided by them. They rest upon the known law of England, and were had for its enforcement. They exhibit the House of Lords sitting as a court and bound by the laws and rules which were observed by the other criminal courts of the realm, a court for the trial of offenders against laws which existed when the offenses were committed, and which looked into those laws to see whether or no the persons arraigned at its bar had violated a "rule of conduct prescribed by the supreme power of the State."

In the year 1724 the Commons impeached the Earl of Macclesfield, lord chancellor of England, of high crimes and misdemeanors, in that he had unlawfully sold offices, masterships in chancery, for his own private gain. He had realized large sums of money from this source. This case is given at length in 16 Howell, State Trials, and the conviction hinged exclusively on the fact that he had committed an indictable offense. Of this case Lord Campbell remarks: "There has been a disposition in recent times to consider that Lord Macclesfield was wrongfully condemned. 'The unanimity of his judges,' says Lord Mahon, 'might seem decisive as to his guilt, yet it may perhaps be doubted whether they did not unjustly heap the fault of the system on one man; whether Parker had not rather, in fact, failed to check gradual abuses, than introduced them by his authority or encouraged them by his example.' I must say that although it is impossible not to pity a man of such high qualities when so disgraced, and it must be acknowledged that, with good luck, notwithstanding all that he did, he might have escaped exposure and preserved an untarnished fame; yet, in my opinion, his conviction was lawful, and his punishment was mild. There can be no doubt that the sale of all offices touching the administration of justice (with the strange exception in favor of common law judges) was forbidden by the statute of Edward VI, and every chancellor who afterwards sold a mastership in chancery must have been aware that he was thereby violating that statute." (Lives of the Lord Chancellors, vol. 4, p. 554.)

The report of this case perfectly sustains this position of Lord Campbell. It establishes beyond doubt that had not Macclesfield's conduct been made criminal by the statute of Edward VI, he would not have been convicted. The action of both houses of Parliament outside of the case confirms this understanding of the record. Hatsell (vol. 4, 258), in a note to the case of Macclesfield, furnishes the following facts respecting the action had for the indemnity of the masters who had purchased offices of the lord chancellor. On the charge being sent to the House of Lords, Hatsell says: "The Commons immediately ordered in a bill for indemnifying the masters in chancery from the penalties of the act of fifth and sixth of Edward VI, chapter 16, against buying and selling offices, upon discovering what consideration they paid for their respective offices." The bill was quickly passed by both houses.

But we need not go outside of the very complete report of the case as given in the State trials to sustain the declaration that the proceedings would have resulted in an acquittal of Macclesfield had the charges made against him not involved indictable crimes. Not one of the several able managers for the Commons pretended to claim a conviction in the absence of proof of an indictable crime. The effort of the managers throughout the entire trial was to show that such crimes had been committed by the accused earl. They claimed that the acts with which he stood charged were crimes at common law, by the statute of 12 Richard II, and of Edward VI; in the language of one of the managers, "criminal by the common law and criminal by act of Parliament."

No unbiased mind can examine this case and arrive at a conclusion respecting it different from that which has been stated above. The doctrine of the case is, beyond all question, that an act, to be impeachable, must also be indictable.

The case was free from all passion, resentment, revenge, or partisan bias. It was well considered, and the vote in favor of conviction was unanimous. The case reflects the law of England respecting impeachments as well as any one that was ever tried by the House of Lords. The rules of law concerning crimes and their proof were observed and adhered to throughout, and Macclesfield was convicted because he was proved guilty of crimes declared by the law, and indictable in the courts of England.

The case of Warren Hastings is another full of instruction. No one can read the 22 articles preferred against Hastings and fail to discover a multitude of crimes prescribed by the law of England. Bribery, peculation, usurpation of powers, official corruption, official oppression, and extortion all appear in the long array of crimes laid to the charge of Hastings, and each of them was indictable in the criminal courts of the realm.

Of these crimes Burke, in his speech on the third day, said:

"As to the crime which we charge, we first considered well what it was in its nature and under all the circumstances which attended it. We weighed it with all its extenuations and with all its aggravations. On that review we are warranted to assert that the crimes with which we charge the prisoner at the bar are substantial crimes; that they are not errors or mistakes, such as wise and good men might possibly fall into; which may even produce very pernicious effects without being, in fact, great offenses. The Commons are too liberal not to allow for the difficulties of a great and arduous public situation. They know, too well, the domineering necessities which frequently occur in all great affairs. They know the exigency of a pressing occasion which in its precipitate career bears everything down before it, which does not give time to the mind to recollect its faculties, to reenforce its reason, and to have recourse to fixed principles, but, by compelling an instant and tumultuous decision, too often obliges men to decide in a manner that calm judgment would certainly have rejected. We know, as we are to be served by men, that the persons who serve us must be tried as men, and with a very large allowance indeed to human infirmity and human error. This, my Lords, we know, and we weighed before we came before you. But the crimes which we charge in these articles are not lapses, defects, errors of common human frailty, which as we know and feel we can allow for. We charge this offender with no crimes that have not arisen from passions which it is criminal to harbor; with no offenses that have not their root in avarice, rapacity, pride, insolence, ferocity, treachery, cruelty, malignity of temper; in short, in nothing that does not argue a total extinction of all moral principle, that does not manifest an inveterate blackness, dyed ingrain with malice, vitiated, corrupted, gangrened to the very core. If we do not plant his crimes in those vices which the heart of man is made to abhor, and the spirit of all laws human and divine to interdict, we desire no longer to be heard on this occasion. Let everything that can be pleaded on the ground of surprise or error upon those grounds be pleaded with success; we give up the whole of those predicaments. We urge no crimes that are not crimes of forethought. We charge him with nothing that he did not commit upon deliberation; that he did not commit against advice, supplication, and remonstrance; that he did not commit against the direct command of lawful authority; that he did not commit after reproof and reprimand, the reproof and reprimand of those who are authorized by the laws to reprove and reprimand him. The crimes of Mr. Hastings are crimes not only in themselves, but aggravated by being crimes of contumacy. They were crimes not against forms, but against those eternal laws of justice which are our rule and our birthright. His offenses are, not in formal, technical language, but in reality, in substance and effect, high crimes and high misdemeanors." (Burke's Works, vol. 7, pp. 13, 14.)

This is Mr. Burke's own interpretation of his articles against Warren Hastings. Apply to this the doctrine that acts which are malum in se are crimes at common law, and what must become of every attempt to torture this case into a prop to uphold the dangerous doctrine that public officers may be impeached for acts not known to the law as crimes or misdemeanors? It is believed safe to aver that every offense for which a conviction was really claimed by the managers on behalf of the Commons was known to the law of England as an indictable crime.

For some seven years the trial of this ponderous case "dragged its slow length along" before a conclusion was reached. During the whole trial the rules of the criminal law of England were applied to the case. Questions relative to which the Lords had doubts were submitted to the judges. The managers complained of some of the opinions of the judges, but the Lords followed the judges. The end of the case was an acquittal of Hastings. But it would be difficult to understand how this result could have been arrived at if the doctrine that an impeachment may be had for acts not indictable had been countenanced by the Lords, for no one can doubt that the evidence disclosed sufficient in the way of mistakes, errors, and misbehavior to justify a conviction under that doctrine.

The last English impeachment case was that of Viscount Melville in 1806. A very complete report of this case may be found in 29 How. S. T., 550 to 1482, inclusive, and it will well repay a careful perusal, as it was a thoroughly and calmly considered case, and undoubtedly presents the settled doctrine of the English law of impeachment.

Melville was treasurer of the navy, and the Commons charged him in 10 articles with having "fraudulently, corruptly, and illegally" used, and permitted others to use, the public money intrusted to him for private gain. Sir Samuel Romilly, solicitor general, who was one of the managers for the Commons, in his argument stated the case thus: "My Lords, the crimes imputed to the noble lord are of two kinds; they are offenses against the common law, and a direct breach of a positive act of Parliament. The first and the tenth articles of impeachment relate only to offenses at the common law, and the other articles comprise in them offenses at the common law and likewise

violations of the act of Parliament" (p. 1151). He insisted that Melville's acts were indictable crimes, and in no part of his argument did he claim, nor did any other manager for the Commons claim, that a conviction could be justified on any other ground than that the evidence disclosed an indictable offense. No one during the entire course of the proceeding and trial questioned that such was the law of England.

At the close of the case the Lords sent three questions to the judges, substantially directing them to inform the House whether the facts recited constituted such unlawful proceedings on the part of Melville as "would have been a misdemeanor or punishable by information or indictment." The judges answered that they were not such unlawful acts as could be thus punished (pp. 1469–1471). Melville was thereupon acquitted upon each of the 10 articles preferred against him. And this closes the list of parliamentary impeachments in England.

Cases can be found in parliamentary history in conflict with the doctrine stated. But that it would be wise, safe, or lawful for the House of Representatives to follow such cases is utterly denied. If we are to be guided at all by English cases, let us resort to those which were the best considered, the latest, the most calmly tried, the most enlightened to be found on the records of Parliament, and not those that were molded in the midst of revolution, directed by passion, and decided by unreasoning prejudice.

No precedent should be followed which is not founded in reason. The enlightenment of the present day should not be obscured, nor its progress obstructed, by the follies, mistakes, or passions of men who passed away centuries ago. Who would think of respecting the infamous ruling of Jeffreys in Sidney's case because it was the act of a judge upon the bench? And yet who does not know that many of the parliamentary impeachments were as full of passion and as void of law as the court in which Sidney, and Russell, and Armstrong, and Baxter were tried?

The idea that the House of Representatives may impeach a civil officer of the United States for any and every act for which a parliamentary precedent can be found is too preposterous to be seriously considered. However well such precedents may answer present purposes, they may return to plague those who give them countenance. Those who hold to the doctrine that the "Senate is the sole judge" of what are high crimes and misdemeanors, and that "there is no revising court" (Am. Law Reg., Sept., 1867, p. 660), forget how often appeals in this country are carried from Senates, Congresses, Presidents, and courts to the high tribunal of the people at the ballot box, and how inexorable are the mandates of reversal which proceed therefrom. The history of this country is crowded full of such appeals and of their results.

The Constitution provides that the judges, both of the Supreme Court and inferior courts, shall hold their office during good behavior. In the discussion of the case much importance has been attached to this clause. It seems to be the opinion of some that because the Constitution provides that a judge shall hold his office during good behavior the Senate can remove him for any act, regardless of its character or quality, if in its judgment it regards such an act misbehavior. The Senate is absolutely without jurisdiction to determine when a judge has been guilty of misbehavior which deprives him of the right to hold office except on the trial of impeachment proceedings. The only acts for which the Senate can remove a judge is when he is found guilty of treason, bribery, or other high crimes and misdemeanors.

The clause of the Constitution relating to the holding of office during good behavior has nothing whatever to do with the jurisdiction of the Senate of the question of removal. If the clause was entirely eliminated from the Constitution, still if the Senate should find that the accused had been guilty of treason, bribery, or high crimes or misdemeanors its power to adjudge a removal would be complete.

In conclusion, I desire to say that I do not believe Judge Archbald used his official position to aid him in the prosecution of business transactions. If I had any doubt about it, his 28 years' service as an impartial and upright judge would remove it.

T. H. PAYNTER.

OPINION OF MR. SIMMONS.

Mr. SIMMONS. Mr. President, in explanation of my votes, pursuant to consent given by the Senate, on the articles of impeachment against Robert W. Archbald, charging misbehavior in office while he held the office of district judge—an office which he did not hold at the time the Senate voted upon his impeachment—I wish to state I voted "not guilty" on these articles for the reason that I was in doubt as to whether we had the right to impeach the respondent for acts committed in an office which he no longer held, and I felt it my duty to give the respondent the benefit of this doubt.

The thirteenth article of impeachment charged the said Archbald with sundry acts of misconduct while he was district judge, and with sundry acts of misconduct while he was circuit judge, the latter being the office held by him at the time the Senate voted upon the articles of impeachment. I voted "guilty" upon this article because, in my opinion, the charge contained therein was sustained if he was guilty of some of the material acts of misconduct therein charged while he was holding the office of circuit judge.

EIGHT-HOUR LAW.

The PRESIDENT pro tempore. The morning business is closed.

Mr. WARREN. Agreeably with the notice given by me, I now ask to take up Senate bill 26680, the legislative, executive, and judicial appropriation bill.

The PRESIDENT pro tempore. The Senator from Wyoming ask that the Senate take up for consideration House bill 26680. Without objection, it will be so ordered.

Mr. SHIVELY. Will the Senator yield while I put a request to pass a bill on the calendar? It should not take three minutes to pass it.

Mr. WARREN. I do not like to deny the Senator. If it leads to no debate and if I am at liberty to yield, I shall be glad to do so, but I hope there will be no other request of that kind made.

Mr. SHIVELY. I conceive that it will not lead to debate. It is House bill 18787.

The PRESIDENT pro tempore. The Senator from Indiana asks for the present consideration of House bill 18787. Is there objection?

Mr. GALLINGER. Let it be read for information.

The PRESIDENT pro tempore. The Secretary will read the bill.

The Secretary read 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.

Mr. BURTON. I should like to inquire what change is made in the existing law by this proposed act?

Mr. SHIVELY. Mr. President, only this change is proposed to be made in the existing law: The courts have decided that workers on dredges engaged in the Government service fall in the category of sailors, and have therefore held them to be subject to maritime jurisdiction. This bill simply proposes to extend the eight-hour principle to the workers on dredges just as it is extended to workers on other public works.

Mr. BURTON. That is, it proposes to extend it to those engaged on dredges employed by contractors who are doing river and harbor work for the Government?

Mr. SHIVELY. Yes.

Mr. BURTON. From what committee does this bill come?

Mr. SHIVELY. From the Committee on Education and Labor.

Mr. CLARKE of Arkansas. Mr. President, the answer of the Senator from Indiana [Mr. SHIVELY] to the question propounded by the Senator from Ohio [Mr. BURTON] makes it necessary for me to ask another question. In the general eight-hour law an exception was made in favor of such work as was done upon the levees and upon the beds of streams in connection with bank protection and other safeguards against overflows. Dredging is a feature of that work at times. I should like to have an opportunity to see to what extent this proposed law would modify that. It is very undesirable to modify it at all, because that work is, in its nature, emergency work. If it would suit the Senator from Indiana to permit this matter to go over for a little while, I should be glad. That would afford me an opportunity to make the comparison between the two, with a view to determining whether this proposed law interferes with the recent action of Congress.

Mr. SHIVELY. Mr. President, when I called up this bill I engaged with the Senator from Wyoming [Mr. WARREN] that there would not be much time consumed in debate on it. Under the circumstances, I feel bound to let the bill go over.

Mr. CLARKE of Arkansas. Very well. I will promise the Senator that I will not unduly delay the consideration of the bill.

The PRESIDENT pro tempore. The bill goes over.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 26680) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1914, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. WARREN. Mr. President, I ask unanimous consent to dispense with the formal reading of the bill and that it be read first for committee amendments, other amendments to follow.

The PRESIDENT pro tempore. The Senator from Wyoming asks unanimous consent that the formal reading of the bill be dispensed with and that the bill be now read for the consideration of committee amendments.

Mr. JONES. Mr. President, it seems to me that the policy we pursued at the last session with reference to offering amendments was a good one, and that the bill should be read, not only for committee amendments, but for all other amendments.

Mr. WARREN. Mr. President, I am perfectly willing to withdraw my request, but, as the Senator understands, unless we pursue this course, the bill will be formally read; the amendments will not be considered on that reading; and, then, there will have to be a second reading for amendments. I think Senators will understand the bill better if we proceed as I have indicated, by dispensing with the formal reading of the bill and considering the committee amendments as we go along.

Mr. JONES. I do not want to object to that part of the request, but the idea I had was that, if the bill is read for amendment, all amendments, whether committee amendments or amendments offered by Senators, might be considered as the reading proceeds; otherwise we will be compelled to wait here until the bill is read clear through and all the committee amendments have been disposed of before any individual amendments can be offered from the floor.

Mr. WARREN. Mr. President, in reply to that statement I have this to say: Oftentimes a Senator—and I think all should be here when the bill is being considered—will find what he seeks in some other part of the bill and he is better equipped to offer his amendment after the committee amendments have been disposed of.

Mr. JONES. I will say to the Senator that I know what amendments I intend to offer, and they are not in the bill.

The PRESIDENT pro tempore. Does the Senator make any motion in regard to it? The question before the Senate is the request of the Senator from Wyoming [Mr. WARREN], that the formal reading of the bill be dispensed with and that it be read for amendment, the committee amendments to be first considered.

Mr. JONES. I do not object at all to dispensing with the formal reading of the bill. I agree that that shall be done; and then I ask that the bill be read for amendment, so that all amendments may be considered.

Mr. WARREN. Mr. President, I withdraw my request.

The PRESIDENT pro tempore. The Senator from Wyoming withdraws his request. The Secretary will proceed with the reading of the bill.

Mr. LODGE. Mr. President, there is no objection, certainly, to dispensing with the formal reading of the bill.

The PRESIDENT pro tempore The Senator from Wyoming withdrew his request to that effect.

Mr. LODGE. Then, I ask that the formal reading of the bill be dispensed with.

Mr. WARREN. Of course, I am willing that any other Senator shall take charge of the bill if he thinks he is more competent.

Mr. LODGE. It is not a question of competency. I was simply seeking to save the time of the Senate.

Mr. WARREN. The question about the formal reading has come up here several times in the past, and sometimes there seems an insinuation that somebody wants to prevent enough reading of bills, so that I think that we ought to proceed under the rule.

Mr. LODGE. Mr. President, the Senator from Washington, as I understood, simply asked for a modification of the usual request in regard to amendments. Because he has made that request, it seems rather hard that the formal reading of this long bill shall therefore be inflicted upon the Senate.

The PRESIDENT pro tempore. The bill will have to be read at some time.

Mr. LODGE. Of course the bill is read when it is read for amendment. The Chair, of course, is aware, as I am, that there is no provision in the rules for the formal reading. A bill has to be read; and if it is read for amendment it entirely covers the requirement of the rule. The formal reading is a mere habit. After the bill is read formally, then you simply offer the amendments. If you read it for amendment, the same result is obtained.

The PRESIDENT pro tempore. The Secretary will proceed with the reading of the bill.

The Secretary read the bill.

Mr. WARREN. On page 2, lines 24 and 25, is the first amendment of the committee.

The PRESIDING OFFICER (Mr. LODGE in the chair). It will be stated.

The first amendment of the Committee on Appropriations was, under the head of "Legislative," subhead "Senate," in the item of appropriation for the maintenance of the office of the Secretary, on page 2, line 24, after the words "harbor bill," to insert the name "Woodbury Pulsifer," so as to read:

Compiler of Navy Yearbook and Senate report on river and harbor bill, Woodbury Pulsifer, $2,220.

The amendment was agreed to.

Mr. CHAMBERLAIN. Mr. President, I rise to a parliamentary inquiry. I suppose that amendments which Senators may desire to offer will be considered after the committee amendments are disposed of.

Mr. WARREN. There is no such inhibition. The bill is open for amendments to be offered as we go along. The privilege of considering committee amendments first was denied, so that the bill is open to amendment now.

Mr. CHAMBERLAIN. I desire to offer an amendment on page 2, and that was the reason of my inquiry.

Mr. CLARKE of Arkansas. It can be offered at any time.

Mr. WARREN. The next amendment of the committee is on page 7, unless the Senator from Oregon wants to put in an amendment now.

Mr. CHAMBERLAIN. I desire to offer an amendment on the second page.

The PRESIDING OFFICER. It will be read.

The SECRETARY. On page 2, line 15, after the amount "$3,250," and before the semicolon, insert "and $1,250 additional while the office is held by the present incumbent," so as to read:

Chief clerk, $3,250, and $1,250 additional while the office is held by the present incumbent.

Mr. WARREN. Mr. President, I have only this to say: The committee, in considering salary advancements of that kind, have felt indisposed to enter into the field at this time, believing that such advancements should pass over to the next Congress, which will take charge of the appropriations under a different régime.

This increase was not estimated for, but I shall make no point of order on that account. It is for the Senate to decide. But on this and other questions of a similar character I want to have it understood where the committee stands.

The committee has no desire to control arbitrarily these salaries, but it would submit the committee and the Senate itself to criticism to raise a line of salaries at this time, just as the administration and control of one side of the Chamber is about to change to the other.

That is all I have to say.

Mr. CHAMBERLAIN. Mr. President, I desire to say, in reply to the Senator from Wyoming, that this is not an innovation on the practice that the Senate has followed heretofore in recognizing efficient service performed by men who have been in the employ of the Senate for a great many years. This amendment proposes to increase the salary of the Chief Clerk, who has been in the service of the Senate for more than 30 years, and he not only acts as Chief Clerk but he acts as parliamentarian of the Senate as well. It is unnecessary for me to call the attention of the Senate to the efficient service that he has rendered at all times to the Vice President of the United States in matters that come before him. For the same service that he is rendering here, in the House of Representatives, I think, $4,250 or $4,500 is paid. The provision which I suggest ends with the term of the present incumbent, and the salary would then go back to the original amount. I hope the Senate will adopt the amendment.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Oregon [Mr. CHAMBERLAIN].

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, in the item of appropriation for clerks and messengers to committees of the Senate, on page 7, line 3, before the word "messenger," to strike out "assistant clerk, $1,440," and, in line 13, after the words "in all," to strike out "$370,940" and insert "$369,940," so as to read:

Assistant clerk $1,800, messenger $1,440; Railroads—clerk $2,220, messenger $1,440; Revolutionary Claims—clerk $2,220, messenger $1,440; Rules—clerk $2,220, assitant clerk $1,800, messenger $1,440; Standards, Weights, and Measures—clerk $2,220, messenger $1,440; Territories—clerk $2,220, assistant clerk $1,440, messenger $1,440; Transportation and Sale of Meat Products—clerk $2,220, messenger $1,440; Transportation Routes to the Seaboard—clerk $2,220, messenger $1,440; University of the United States—clerk $2,220, messenger $1,440; Woman Suffrage—clerk $2,220, messenger $1,440; in all, $369,940.

The amendment was agreed to.

Mr. WARREN. I ask the Chair to instruct the Secretary to check up all totals, because the amendments that come in from time to time will change the totals. It is better to do that way than to undertake to change them as we go along.

The PRESIDING OFFICER. Without objection, that order will be made, and the Secretary will correct the totals as requested.

The next amendment of the Committee on Appropriations was, on page 7, after line 14, to insert:

For additional amount for the clerk to the Committee on Rules for revising and preparing for publication biennially, under the direction of the committee, the Senate Manual, to be immediately available, $1,000.

The amendment was agreed to.

Mr. PENROSE. I desire to offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment proposed by the Senator from Pennsylvania will be stated.

The SECRETARY. On page 7, in lines 22 and 23, it is proposed to strike out the words "two thousand five hundred and ninety-two dollars" where they occur and to insert in lieu thereof "three thousand dollars," so as to read:

Assistant Doorkeeper, $3,000; Acting Assistant Doorkeeper, $3,000.

Mr. WARREN. Mr. President, I wish to say that my remarks just now made as to another amendment are applicable here. I think I ought to say, however, that during the period in which I have had charge of this bill all, or nearly all, of these Senate employees' salaries have been raised, and it has been my pleasure to be one of the most liberal of all Senators. I do not object to the amendment, but I leave it in the same manner that I did the other—for the Senate to vote upon. I suggest, however, to the Senator that it ought to apply to these particular officials on both sides of the Chamber.

Mr. PENROSE. As I understand the amendment, it is applied to both sides.

Mr. CLARKE of Arkansas. Let the amendment be again stated.

The PRESIDING OFFICER. The amendment will be again stated.

The Secretary again read the amendment proposed by Mr. PENROSE.

Mr. CLARKE of Arkansas. What is the effect of that amendment?

Mr. PENROSE. The effect of it is to raise the salaries of the Assistant Doorkeeper and the Acting Assistant Doorkeeper, covering the Democratic and Republican officials in this Chamber holding those places. Their salaries, I understand, have not been changed for 40 years. This is putting them back to the condition which existed when Mr. Bassett held the position of Assistant Doorkeeper of the Senate. I think it is a very fair, meritorious, and well-earned increase.

Mr. CLARKE of Arkansas. What particular circumstance directs attention to these particular positions at this particular time, just at the end not only of a Congress but at the end of an administration?

Mr. PENROSE. The end of the administration has nothing to do with this Congress. When the Senate is organized by our friends on the other side of the Chamber the caucus nominee, who will then be the Assistant Doorkeeper, will be the beneficiary of this salary.

Mr. CLARKE of Arkansas. Nobody ought to be the beneficiary of it unless it is right. What are the grounds for insisting upon this increase at this time—the high cost of living?

Mr. PENROSE. The ground, Mr. President, is that these salaries have not been raised for 40 years.

Mr. CLARKE of Arkansas. Is there any rule which requires salaries to be raised every 40 years?

Mr. PENROSE. No; but a large number of other salaries in connection with positions in and about this Chamber have been raised. As I understand, when Mr. Bassett was here he had an appropriation which made the salary the equivalent of the one which this amendment will make it, and I sincerely hope that the Senator from Arkansas will not make any opposition, or, at least, that he will let the amendment go to conference.

Mr. CLARKE of Arkansas. Very well.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, in the item of appropriation for the maintenance of the office of Sergeant at Arms and Doorkeeper, on page 8, line 14, after the word "session," to strike out "$8,440" and to insert "$8,480," so as to read:

Sixteen pages for the Senate Chamber, at the rate of $2.50 per day each during the session, $8,480.

The amendment was agreed to.

The next amendment was, after the amendment just adopted, on page 8, line 15, to insert:

And the accounting officers of the Treasury Department are hereby directed to credit the Secretary of the Senate in the sum of $200 under the appropriation entitled "Salaries, officers, and employees, Senate, 1913," being the amount paid 16 pages of the Senate at the rate of $2.50 per diem for the five days remaining of the month of August, 1912, after the day of adjournment, and for said purpose the sum of $200 is hereby appropriated, said sum to be immediately available.

The amendment was agreed to.

Mr. BRISTOW. I should like to inquire of the chairman of the committee whether there is not an omission of a word in lines 20 and 21, on page 6, "clerk of printing records." Does not that refer to the clerk of a committee?

Mr. WARREN. As to what amendment?

Mr. BRISTOW. The provision on page 6, line 21. Is not the name of a committee omitted at that point?

Mr. WARREN. No; I think not.

Mr. BRISTOW. Just after the provision in reference to the Committee on Post Offices and Post Roads.

Mr. WARREN. "The clerk of printing records." That is not a committee at all, but it is authorized under the law, and a Senate clerk looks after that printing; but it does not really belong to any committee.

Mr. BRISTOW. I refer to the point where it reads:

Assistant clerk, $1,800; messenger, $1,440.

Mr. WARREN. They are the assistants of this man.

Mr. BRISTOW. Where are they employed?

Mr. WARREN. They are employed between the Printing Office and the Capitol, back and forth.

Mr. BRISTOW. They are put in here as though they were committee clerks. That is the reason I made the inquiry.

Mr. WARREN. That may be true; but the item is in the same position where it was originally put, and we saw no reason to change it. It is the existing law.

Mr. SWANSON. Mr. President, I offer the amendment which I send to the desk, to come in on page 29, line 11.

The PRESIDING OFFICER. The Senator from Virginia offers an amendment, which will be stated. The Chair, however, will state to the Senator from Virginia that that point in the bill has not yet been reached. Of course the Senator has a right to offer the amendment to any part of the bill if he so desires.

Mr. WARREN. We shall get to that in a few moments.

Mr. SWANSON. I have a very urgent engagement, and I should like to offer the amendment at this time.

The PRESIDING OFFICER. The amendment proposed by the Senator from Virginia will be stated.

The SECRETARY. On page 29, line 17, after the word "watchmen," it is proposed to strike out "$720" and to insert in lieu thereof "$900."

Mr. SWANSON. Mr. President, I should like to say in this connection that this amendment is to increase the salaries of the 17 men who are designated as watchmen, but who are really policemen for the Library. The policemen of the Capitol get $1,050, and $720 is all that these men have been getting since the completion of the Library, though the cost of living has greatly increased. This increase of salary has been recommended by Maj. Green, who was Superintendent of the Library for a great many years; but, through some oversight, there has been no increase. The men who are watchmen or policemen for the Library are a very fine class of men; it requires men of a high class of efficiency. They work eight hours a day and alternate day and night. It seems to me a salary of $900 is not excessive for these men.

Mr. CLARKE of Arkansas. Mr. President, it seems that we have set out here upon a systematic increase of salaries, without any definite basis upon which to fix them. This just seems to be an opportunity when things are going along easily that anybody who wants anything has only to butt in and get it. The services of the gentlemen who are to be the beneficiaries of this increase, as they are described by the Senator from Virginia [Mr. SWANSON], are not very onerous. The Library is not a place where criminals assemble, these men have no police duties to perform, and they are there but for the very extensive term of eight hours a day.

Mr. WARREN. Will the Senator from Arkansas allow me to interrupt him?

Mr. CLARKE of Arkansas. Certainly.

Mr. WARREN. They are not policemen; they are watchmen.

Mr. CLARKE of Arkansas. I was getting to that. I understood what the Senator from Virginia had said. He said that they were virtually policemen at that place. No policemen are required there; it is not a place where the services of an ordinary policeman are needed. They are simply to direct persons where to go. The service is a very light one, and the compensation provided by law is a very ample one. If it is intended to set out upon a readjustment of salaries, then we ought to do it in a systematic way, so that we may know who is being underpaid and who is being overpaid, and may cut down the salaries of those who are receiving more pay than they ought to have. It is quite the fashion here to take some extremely meritorious case as it is detailed by some particular Senator and make an allowance in one man's favor that when applied and confined to that particular person would not seem excessive on that occasion. Frequently his disabilities are taken advantage of as the foundation of the demand. Then the very next thing you know that circumstance is advanced as a reason why the salary of everybody else should be increased and a comparison is instituted between that particular person and others who render service of equal importance.

I am opposed to these increases without a systematic investigation by some responsible committee of the Senate. I think the amendment is subject to a point of order. It has not been reported from a committee and it is not estimated for. So I make the point of order against its further consideration.

Mr. SWANSON. Mr. President, I desire to occupy simply a few moments. These men receive $60 per month. They have to support their families and they work eight hours a day and alternate in the night work. As I have said, it takes a very fine class of men to fill these positions. More people visit the Library than visit the Capitol. Nearly everybody who comes to Washington as a visitor goes to the Library; it is crowded. The work of these men is heavy all the time, and, upon investigation, I am satisfied they are the poorest paid employees of the Government.

The Senator has well said that it is very easy to get increases in many cases, but I have noticed the increases are generally for the higher officials, and that the men who work and toil have much difficulty in securing proper increases. I do not know whether or not this bill carries an increase for the high officials of the Library, but I have noticed the antagonism to increases is generally directed to the employees who are paid the lower salaries. It takes more than an ordinary man to do this work in the Library.

Mr. CLARKE of Arkansas. If the Senator will permit the Chair to rule upon the point of order, it may not be necessary for me to reply.

Mr. SWANSON. I know the point of order has been interposed. I simply wish to put in the RECORD the reasons why these men should have their salaries increased, as I would not like to let pass unchallenged the statement of the Senator from Arkansas that they are amply compensated. There has been no increase in the salary of these employees, and anybody who visits the Library must know that it is crowded all the time. These men work excessively, and I know of no class of employees of this Government who receive so small a compensation for the class of work they perform as the watchmen at the Library. I hope the Senator will not make any point of order against the amendment.

Mr. CLARKE of Arkansas. I will have to disappoint the Senator; I insist upon the point of order.

The PRESIDING OFFICER. The amendment is clearly obnoxious to the rule. The Chair sustains the point of order.

The next amendment of the Committee on Appropriations was, at the top of page 9, to insert:

*For the following for service of the Senate Chamber (heretofore paid from appropriation "Miscellaneous items on account of the Maltby Building"), namely: Messengers—4 at $1,440 each, 1 at $1,000; laborers—3 at $800, 5 at $720 each; in all, $12,760.*

Mr. SMITH of Georgia. Mr. President, when the legislative, executive, and judicial appropriation bill was being considered at the last session, objection was made to the Maltby Building pay roll, and I wish to renew the objection. Nothing is going on there that requires any such force, and this is simply a way, it seems to me, of using the employees somewhere else.

Mr. WARREN. Will the Senator permit me a moment?

Mr. SMITH of Georgia. Yes.

Mr. WARREN. These men are now and have been for a long time employed here at the Senate doors.

Mr. SMITH of Georgia. I understand that.

Mr. WARREN. We have closed the Maltby Building, so far as any employees of the Senate are concerned. This amendment only refers to those who are daily employed here.

Mr. SMITH of Georgia. I understand that, Mr. President, and that is just what I am objecting to. I object to carrying on the pay roll as for the Maltby Building men who are not for the Maltby Building. If they are needed here, I do not object to them here, but I object to the system of appropriating for men for one place when in reality we are going to use them somewhere else. I think the bill should show where these employees are to be used, if they are to be used.

Mr. WARREN. Mr. President, I will say to the Senator that his wish is exactly mine and that of the committee, but the bill came over from the House with an entire cutting out of any reference to the Maltby Building. They did not understand the matter. I have here the list of these employees, and if the Senator wishes it to go into the RECORD, it can go in. The intention, of course, is when the next appropriation bill is taken up to have them estimated for among the employees in the regular way, but the committee had no authority to estimate for them, and the House, not understanding the situation, said that they would no longer make provision for the support of the Maltby Building as a Senate proposition, although they intended to use it, perhaps, for the overflow of their Members, and left it out. So the only way we can reach the matter is that provided in the bill. The employees covered by the amendment are not for the Maltby Building. As the Senator will notice, the amendment reads:

For the following for service of the Senate Chamber (heretofore paid from appropriation "Miscellaneous items on account of the Maltby Building"), etc.

I am entirely in sympathy with the Senator's idea about it. If the Senator wishes the list of the employees, I have it here and it can be put in the RECORD.

Mr. SMITH of Georgia. I have said all I care to say about it.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, on page 9, line 9, before the word "attendant," to strike out "two messengers, at $1,440 each," and in line 14, after the words "in all," to strike out "$13,500" and to insert "$10,620," so as to make the clause read:

For the following for Senate Office Building under the Sergeant at Arms, namely: Stenographer in charge of furniture accounts and keeper of furniture records, $1,200; attendant in charge of bathing rooms, $1,800; 2 attendants in bathing rooms, at $720 each; 3 attendants to women's toilet rooms, at $720 each; janitor for bathing rooms, $720; 2 messengers, acting as mail carriers, at $1,200 each; messenger for service to the press correspondents, $900; in all, $10,620.

The amendment was agreed to.

The next amendment was, on page 10, line 11, before the word "annual," to strike out "thirty-five" and insert "thirty," and, in line 13, after the word "each," to strike out "$70,000" and insert "$60,000," so as to make the clause read:

Clerks to Senators: For 30 annual clerks to Senators who are not chairmen of committees, at $2,000 each, $60,000.

The amendment was agreed to.

The next amendment was, on page 10, line 15, before the word "stenographers," to strike out "twenty-two" and insert "twenty-three"; in line 17, before the word "minority," to strike out "the three junior" and insert "three"; and in the same line, after the word "each," to strike out "$30,000" and insert "$31,200," so as to make the clause read:

Stenographers to Senators: For 23 stenographers to Senators who are not chairmen of committees, and 3 stenographers to the chairman of three minority committees, at $1,200 each, $31,200.

Mr. BRISTOW. Mr. President, there is one amendment which the Secretary seems to have omitted. Is it proposed that the amendments shall be jumped just as is done when the bill is being read?

The PRESIDING OFFICER. The Chair will call the attention of the Senator to the fact that it was agreed that the Secretary should correct all totals throughout the bill, so that the amendments correcting totals are omitted from the reading.

Mr. BRISTOW. Very well; I was absent at the time that was done.

Mr. WARREN. It is a safer way.

The PRESIDING OFFICER. The question is on agreeing to the amendment stated by the Secretary.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, on page 11, after line 15, to insert:

For removal and expenses incident thereto of the documents now in a rented warehouse to a building or buildings owned by the Government, including the Maltby Building, and building or buildings on squares 634 and 685, to be under the supervision of the Sergeant at Arms of the Senate and Superintendent of the Capitol Building and Grounds, to whom authority is hereby given, to be immediately available, $3,500.

The amendment was agreed to.

The next amendment was, on page 11, after line 23, to insert:

For shoring building or buildings made necessary on account of removal of documents, including material, under the direction of the Superintendent of the Capitol Building and Grounds, to be immediately available, $1,200.

The amendment was agreed to.

The next amendment was, on page 12, line 7, after the word "page," to strike out "$25,000" and insert "$50,000," so as to make the clause read:

For expenses of inquiries and investigations ordered by the Senate, including compensation to stenographers to committees, at such rate as may be fixed by the Committee to Audit and Control the Contingent Expenses of the Senate, but not exceeding $1.25 per printed page, $50,000.

The amendment was agreed to.

The next amendment was, under the subhead "Capitol Police," on page 12, line 11, before the word "lieutenants," to strike out "two" and insert "three"; in line 13, before the word "privates," to strike out "thirty-three" and insert "sixty-seven"; and in line 16, after the words "in all," to strike out "$41,250" and insert "$78,150," so as to make the clause read:

For captain, $1,800; 3 lieutenants, at $1,200 each; 2 special officers, at $1,200 each; 67 privates, at $1,050 each; one-half of said privates to be selected by the Sergeant at Arms of the Senate and one-half by

the Sergeant at Arms of the House of Representatives; in all, $78,150, one half to be disbursed by the Secretary of the Senate and the other half to be disbursed by the Clerk of the House of Representatives.

The amendment was agreed to.

The next amendment was, on page 12, line 19, after the word "expenses," to strike out "$200" and insert "$300," so as to make the clause read:

For contingent expenses, $300, one half to be disbursed by the Secretary of the Senate and the other half to be disbursed by the Clerk of the House of Representatives.

The amendment was agreed to.

The next amendment was, under the subhead "Joint Committee on Printing," on page 12, line 23, after the word "Printing," to insert the name "George H. Carter," so as to make the clause read:

For clerk to the Joint Committee on Printing, George H. Carter, $3,000.

Mr. SMITH of Georgia. Mr. President, I object to that. It does not seem to me that the name of that clerk ought to be inserted.

Mr. SMOOT. Mr. President——

Mr. WARREN. Just a moment. I simply desire to say that this has been done heretofore in both the House and the Senate, where the man employed is one who is so peculiarly fitted and is so valuable that it is thought best to give him a permanent place. In this case there seemed to be assent on the part of all parties interested on both sides, and that is the reason for the committee inserting the name in this case as they have done in some other cases.

Mr. SMITH of Georgia. I do not think it ought to be done, and I object to the insertion of names in an appropriation that attaches the permanent office by legislative enactment.

Mr. WARREN. It is only for one year.

Mr. SMITH of Georgia. I think the matter ought to be left open for the action of those in authority.

Mr. SMOOT. Mr. President, it would have that effect for only one year. I will say to the Senator there is not a member of the committee of whom I know who is not in favor of putting the name of George H. Carter in the bill. One who has not been on the committee can hardly realize the amount of detail work that has to be taken care of by this committee, and Mr. Carter is eminently fitted and qualified for the place as is no other man in the United States. I understand that Senators on the other side of the Chamber have made the request that his name go in, and I certainly hope the Senator will not object to it. I am positive that if the Senator knew the work the man has to do and the qualifications he has for it, he would not object to it.

Mr. SMITH of Georgia. No doubt if I agreed with that view and were on the committee I would vote for the retention of the services of this gentleman, if I had the privilege of voting for it. I do not know anything about him, and it is not with any view of striking at him. I simply believe that the proper way to legislate is to leave out the name and not undertake to fill the office by legislation instead of by appointment.

Mr. SMOOT. Ordinarily that is true.

Mr. SMITH of Georgia. If I were on the committee and the services of this man were as indicated, I would be in favor of keeping him, and I have no doubt, from what the Senator says, that his services are of that character. I do not mean at all that I am in favor of changing such an employee. I think the good of the service should be first considered and that no changes should be made where the good of the service would be sacrificed; and I merely repeat that it is not in opposition to this gentleman, because I only caught the name here this morning and had before heard nothing about it; but I do not believe in putting in names in legislation.

Mr. OWEN. Mr. President, I observe that the same thing has been done in other cases, for instance, on page 2, where Mr. Pulsifer's name has been put in. I do not know Mr. Pulsifer or Mr. Carter, either one, but I do not think it is good practice, because it makes an exception in these cases, which, I presume, is based in each of these two cases on the peculiar fitness of these gentlemen; but if they should die the place which is expressly for them would be vacant, and this appropriation being made expressly for this individual person, if the person should resign or find it expedient to separate himself from the office for any reason, it would leave no appropriation for the office, because this appropriation is made expressly for Mr. Pulsifer and Mr. Carter.

I do not think it is a good practice, and I do not think the Senate ought to follow the practice. It has been done, I know, in previous years in several cases where the officers have been of extraordinary service, and I had not been inclined to make any objection to it heretofore, but I do not think it ought to be extended. It has now been done in a number of cases. I do not think it is good practice, and I do think the Senator from Georgia is right.

Mr. SMOOT. I want to call the attention of the Senator to the fact that there are in the House two or three cases similar to this, and I am positive good will come from this amendment if it is allowed to stand.

Mr. SMITH of Georgia. How many of those are there?

Mr. SMOOT. I think there are five altogether.

Mr. CLARKE of Arkansas. How many are there in other bills?

Mr. SMOOT. As I remember, five are all there are in all the appropriation bills.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment was, under the subhead "House of Representatives," on page 15, line 7, after the word "each," to insert "assistant engineer, $1,200"; in line 12, before the word "laborers," to strike out "four" and insert "three"; and in the same line, after the words "in all," to strike out "$40,300" and insert "$40,700," so as to make the clause read:

Under Superintendent of the Capitol Building and Grounds: Chief engineer, $1,900; 3 assistant engineers, at $1,300 each; assistant engineer, $1,200; 24 conductors of elevators, including 14 for service in the House Office Building, at $1,200 each, who shall be under the supervision and direction of the Superintendent of the Capitol Building and Grounds; machinist, $1,300; electrician, $1,200; 3 laborers, at $800 each; in all, $40,700.

The amendment was agreed to.

The next amendment was, under the subhead "Library of Congress," on page 23, line 17, before the word "junior," to insert "one $540," and in line 18, after the words "in all," to strike out "$3,480" and insert "$4,020," so as to make the clause read:

Mail and delivery: Assistant in charge, $1,500; assistants—one $900, one $720, one $540; junior messenger, $360; in all, $4,020.

The amendment was agreed to.

The next amendment was, at the top of page 25, to insert:

To pay Etta J. Giffin, assistant in charge of division for the blind, her salary for the months of July, August, and September, 1912, to be immediately available, $300.

The amendment was agreed to.

The next amendment was, on page 26, line 15, after the word "each," to strike out "three" and insert "four," and, in line 22, after the words "in all," to strike out "$100,780" and insert "$102,580," so as to make the clause read:

Copyright office, under the direction of the Librarian of Congress: Register of copyrights, $4,000; assistant register of copyrights, $3,000; clerks—4 at $2,000 each, 4 at $1,800 each, 7 at $1,600 each; 1 $1,500, 8 at $1,400 each, 10 at $1,200 each, 10 at $1,000 each; 18 at $900 each, 2 at $800 each, 10 at $720 each, 4 at $600 each, 2 at $480 each; 4 junior messengers, at $360 each. Arrears, special service: Three clerks, at $1,200 each; porter, $720; junior messenger, $360; in all, $102,580.

The amendment was agreed to.

The next amendment was, on page 29, line 11, before the word "watchmen," to strike out "sixteen" and insert "seventeen"; in line 13, before the word "each," to strike out "$480" and insert "$540"; in line 16, before the word "charwomen," to strike out "forty-seven" and insert "fifty-two"; in line 17, after the word "electrician," to strike out "$1,200" and insert "$1,500"; and in line 20, after the words "in all," to strike out "$72,185" and insert "$75,245," so as to make the clause read:

Custody, care, and maintenance of Library building and grounds: Superintendent, $5,000; chief clerk, $2,000; clerks—1 $1,600, 1 $1,400, 1 $1,000; messenger; assistant messenger; telephone switchboard operator; assistant telephone switchboard operator; captain of watch, $1,400; lieutenant of watch, $1,000; 17 watchmen, at $720 each; carpenter, painter, and foreman of laborers, at $900 each; 14 laborers, at $540 each; 2 attendants in ladies' room, at $480 each; 4 check boys, at $360 each; mistress of charwomen, $425; assistant mistress of charwomen, $300; 52 charwomen; chief engineer, $1,500; assistant engineers—1 $1,200, 3 at $900 each; electrician, $1,500; machinists—1 $1,000, 1 $900; 2 wiremen, and 1 plumber, at $900 each; 3 elevator conductors, and 10 skilled laborers, at $720 each; in all, $75,245.

The amendment was agreed to.

The next amendment was, under the head of "Civil Service Commission," on page 32, line 25, after the word "year," to strike out "clerks, 1 (in charge) of class 3, 2 of class 2, 3 of class 1, 1 (stenographer and typewriter), $1,000; 5 temporary clerks, at $900 each, needed for one year during the installation of the system; in all, $13,500," and insert: "For the establishment and maintenance of system of efficiency ratings for initial year, $15,000, to be immediately available. The Civil Service Commission shall investigate and report to the President, with its recommendations, as to the administrative needs of the service relating to personnel in the several executive departments and independent establishments in the District of Columbia, and report to Congress details of expenditure and of

progress of work hereunder at the beginning of each regular session."

The amendment was agreed to.

The next amendment was, under the head of "Department of State," on page 35, line 14, after the word "care," to strike out "exchange"; in line 17, after the word "wagon," to insert "including the exchange of same"; and in the same line, after the word "harness," to insert "equipment of drivers," so as to make the clause read:

For miscellaneous expenses, including the purchase, care, and subsistence of horses, to be used only for official purposes, repair and maintenance of vehicles and automobile mail wagon, including the exchange of the same, harness, equipment of drivers, street-car tickets not exceeding $100, and other items not included in the foregoing, $7,000.

Mr. BRISTOW. Is that an automobile mail wagon?

Mr. WARREN. The Senator will notice that the amendment below this refers to the same matter.

Mr. BRISTOW. What I wanted to inquire about was whether that could be construed so as to permit the purchase of an automobile, or is it an automobile truck that is used in handling the mail?

Mr. WARREN. I will say to the Senator that the Library mail has been thus handled for the last two years. The Senator probably has seen the truck coming and going.

Mr. BRISTOW. And it is for that purpose?

Mr. WARREN. It is for that purpose. In fact, some of the carriers in cities have automobile wagons for deliveries.

Mr. SMITH of Georgia. Is the entire paragraph, carrying $7,000, limited to vehicles for Government service, or does it include vehicles for private use?

Mr. WARREN. The bill states in the body of it that they are to be used only for official purposes. If the Senator will notice lines 15 and 16 he will see that it is restricted to public use.

The amendment was agreed to.

The next amendment was, under the head of "Treasury Department," on page 37, line 17, after the words "Chief of division," to strike out "$3,500" and insert "$4,000"; in line 18, after the words "assistant chief of division," to strike out "$2,700" and insert "$3,000"; and in line 23, after the words "in all," to strike out "$87,180" and insert "$87,980," so as to make the clause read:

Division of Bookkeeping and Warrants: Chief of division, $4,000; assistant chief of division, $3,000; estimate and digest clerk, $2,500; 2 principal bookkeepers, at $2,100 each; 12 bookkeepers, at $2,000 each; clerks—14 of class 4, 6 of class 3, 6 of class 2, 3 of class 1; messenger; 3 assistant messengers; messenger boy, $480; in all $87,980.

The amendment was agreed to.

The next amendment was, on page 48, after line 5, to insert:

For purchase of furniture, adding machines, labor-saving machines, tabulating equipment, including exchange, repairs, miscellaneous expenses of installation, cards and filing devices, and for rental of tabulating and card-sorting machines, for use in the office of the Treasurer of the United States, $6,000, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 48, after line 11, to insert:

The Secretary of the Treasury is authorized, from the date of passage of this act until June 30, 1914, to detail such employees in the offices of Assistant Treasurers as may be necessary for duty in the District of Columbia in the office of the Treasurer of the United States.

The amendment was agreed to.

The next amendment was, on page 51, line 19, after the word "Chief," to strike out "$3,600" and insert "$4,500," and in line 23, after the words "in all," to strike out "$15,720" and insert "$16,620," so as to make the clause read:

Secret Service Division: Chief, $4,500; assistant chief, who shall discharge the duties of chief clerk, $3,000; clerks—1 of class 4, 1 of class 3, 2 of class 2, 1 of class 1, 1 at $1,000; assistant messenger; in all, $16,620.

The amendment was agreed to.

The next amendment was, on page 52, line 6, after the words "assay offices," to strike out "$10,000" and insert "$25,000," so as to make the clause read:

For freight on bullion and coin, by registered mail or otherwise, between mints and assay offices, $25,000.

The amendment was agreed to.

The next amendment was, on page 52, line 16, after the words "United States," to strike out "$3,000" and insert "$4,800," so as to make the clause read:

For examinations of mints, expense in visiting mints for the purpose of superintending the annual settlements, and for special examinations, and for the collection of statistics relative to the annual production and consumption of the precious metals in the United States, $4,800.

The amendment was agreed to.

The next amendment was, on page 52, line 20, before the words "of class 3," to strike out "two" and insert "three"; in line 21, before the words "of class 2," to strike out "six" and insert "seven"; in line 22, after the words "of class 1," to insert "3, at $1,000 each"; and in line 24, after the words "in all," to strike out "$43,780" and insert "$49,780," so as to make the clause read:

Office of the Surgeon General of Public Health Service: Surgeon General, $6,000; chief clerk, $2,000; private secretary to the Surgeon General, $1,800; assistant editor, $1,800; clerks—3 of class 4, 3 of class 3, 7 of class 2, one of whom shall be translator, 7 of class 1, 3 at $1,000 each; 3 at $900 each; messenger; 3 assistant messengers; 2 laborers, at $540 each; in all, $49,780.

The amendment was agreed to.

The next amendment was, on page 56, line 3, after the word "machines," to insert "and supplies for same," so as to make the clause read:

For purchase of labor-saving machines and supplies for same, including the purchase and exchange of registering accountants, numbering machines, and other machines of a similar character, including time stamps for stamping date of receipt of official mail and telegrams, and repairs thereto, $8,000.

The amendment was agreed to:

The next amendment was under the subhead "Collecting internal revenue," on page 58, after line 18, to insert:

On and after October 1, 1913, the whole number of collection districts for the collection of internal revenue and the whole number of collectors of internal revenue shall not exceed 67.

The amendment was agreed to.

The next amendment was, on page 59, line 2, after the word "storekeeper-gaugers," to strike out "$2,565,000" and insert "$2,620,000," so as to make the clause read:

For salaries and expenses of 40 revenue agents provided for by law, and fees and expenses of gaugers, salaries and expenses of storekeepers and storekeeper-guagers, $2,620,000.

Mr. POMERENE. I note that on page 58 there is a provision to the effect that the number of collectors of internal revenue shall not exceed 67. Is that a reduction of the number?

Mr. WARREN. No. That is permission to have 4 more than there are now. I will say to the Senator that a year ago the Commissioner of Internal Revenue, in making his report, called attention to the fact that there was at that time and for two years preceding at three or four offices very light receipts, and hence the House thought it best to reduce the number from 67 to 63.

Now, in some way—and I have not tried to locate where the difficulty occurred—there were 4 offices taken out which the commissioner says are among the most valuable of the lot—1 in Pennsylvania, 1 in Texas, the only 1 in South Carolina, and 1 in California. The representation from that office is that it would very sadly cripple the work if they did not have these reinstated, and so we are putting the number back where it was. Of course, it is within the province of the President to reduce the number at any time.

The PRESIDING OFFICER. The question is on agreeing to the amendment which has been stated.

The amendment was agreed to.

The next amendment was, on page 59, line 14, after the word "killed," to strike out "$90,000" and insert "$100,000," so as to make the clause read:

For rent of offices outside of the District of Columbia, telephone service, and other miscellaneous expenses incident to the collection of internal revenue, and for the purchase of necessary books of reference and periodicals for the chemical laboratory and law library, at a cost not to exceed $500, and reasonable expenses for not exceeding 60 days immediately following the injury of field officers or employees in the Internal-Revenue Service while in line of duty, of medical attendance, surgeon's and hospital bills made necessary by reason of such injury, and for horses crippled or killed while being used by officers in making raids, not exceeding $150 for any horse so crippled or killed, $100,000.

The amendment was agreed to.

The next amendment was, under the subhead "Independent treasury," on page 61, line 3, before the words "vault clerk," to insert "assistant cashier, $2,000"; in line 7, before the word "nine," to strike out "2 at $1,600 each" and insert "1 $1,600"; and, in line 11, after the words "in all," to strike out "$83,320" and insert "$83,720," so as to make the clause read:

Office of assistant treasurer at Chicago: Assistant treasurer, $5,000; cashier, $3,000; assistant cashier, $2,000; vault clerk, $2,250; paying teller, $2,500; assorting teller, $2,000; redemption teller, $2,000; change teller, $2,000; receiving teller, $2,000; bookkeepers—1 at $1,800, 2 at $1,500 each; clerks—1 $1,750, 1 $1,600, 9 at $1,500 each, 22 at $1,200 each, 1 $900; hallman, $1,100; messenger, $840; 3 watchmen at $720 each; janitor, $720; 8 money counters and handlers for money laundry machines at $900 each; in all, $83,720.

The amendment was agreed to.

The next amendment was, on page 62, line 5, after the word "messenger," to strike out "$500" and insert "$600," and, in line 7, after the words "in all," to strike out "$32,490" and insert "$32,590," so as to make the clause read:

Office of assistant treasurer at St. Louis: Assistant treasurer, $4,500; cashier, $2,500; paying teller, $2,000; receiving teller, $2,000; vault clerk, $1,800; bookkeeper, $1,500; assorting teller, $1,200; clerks—1 $1,500, 6 at $1,200 each, 2 at $1,000 each; typewriter and stenographer, $1,000; day watchman, $720; night watchman, $720; messenger, $600; 4 money counters and handlers for money laundry machines at $900 each; in all, $32,590.

The next amendment was, under the head of "Mints and assay offices," on page 64, after line 21, to insert:

Mint at Carson, Nev.: Assayer in charge, who shall also perform the duties of melter, $2,250; assistant assayer, $1,500; chief clerk, $1,600; clerk, $1,000; in all, $6,350.
For wages of workmen and other employees, $5,550.
For incidental and contingent expenses, $3,000.

The amendment was agreed to.

The next amendment was, on page 67, after line 11, to insert:

Assay office at Boise, Idaho: Assayer in charge, who shall also perform the duties of melter, $2,250; assistant assayer, $1,600; chief clerk, who shall also perform the duties of cashier, $1,500; assayer's assistant, $1,500; clerk, $1,200; in all, $8,050.
For wages of workmen and other employees, $3,540.
For incidental and contingent expenses, $2,250.

The amendment was agreed to.

The next amendment was, on page 67, after line 18, to insert:

Assay office at Charlotte, N. C.: Assayer and melter, $1,500.
For wages of workmen and other clerks and employees, $900.
For incidental and contingent expenses, $400.

The amendment was agreed to.

The next amendment was, on page 67, after line 23, to insert:

Assay office at Deadwood, S. Dak.: Assayer in charge, who shall also perform the duties of melter, $2,000; clerk, $1,200; assistant assayer, $1,600; assayer's assistant, $1,400; in all, $6,200.
For wages of workmen and other employees, $3,000.
For incidental and contingent expenses, new machinery, etc., $1,500.

Mr. SHIVELY. Permit me to inquire of the chairman of the committee if the amendment involves the creation of new places?

Mr. WARREN. Not at all. It does not make new places. And, furthermore, it reduces the amounts under the current law in all, or nearly all, of these cases. We have not gone a penny beyond the estimate in any one particular, and the estimates are made as to nearly all of these offices on a lower basis than current law.

Mr. SHIVELY. These are not new establishments?

Mr. WARREN. Not at all; every man is in his place and every office is open, and will be until the 1st day of July, under current law.

Mr. SHIVELY. Then how does it become necessary for the Senate to act? Were these omitted in the House?

Mr. WARREN. They were. I will say they were not omitted by not having attention; they were intentionally omitted.

Mr. SHIVELY. What is the reason for their insertion here?

Mr. WARREN. I suppose they preferred that they should be inserted here. The reason for inserting them is that they are most important offices. I imagine that those who opposed them on the other side are not so located as to know the necessities for these offices. They are necessary not only for the business of to-day, but they are of immense help in the development of the country which is giving up its mineral riches to the Nation.

Mr. CRAWFORD. May I ask the Senator from Wyoming a question?

The PRESIDING OFFICER. Does the Senator from Wyoming yield?

Mr. WARREN. Certainly.

Mr. CRAWFORD. Is it not a fact that the Deadwood assay office is practically self-sustaining?

Mr. WARREN. Oh, that might be said of most of them.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee, which has been stated.

The amendment was agreed to.

The next amendment was, on page 68, after line 5, to insert:

Assay office at Helena, Mont.: Assayer in charge, $2,500; chief clerk, who shall also perform the duties of cashier, $1,800; assistant assayer, $1,700; assayer's assistant, $1,400; clerk, $1,400; in all, $8,800.
For wages of workmen and other employees, $4,600.
For incidental and contingent expenses, $3,000.

The amendment was agreed to.

Mr. REED. Is the bill open now to amendment other than committee amendments?

The PRESIDING OFFICER (Mr. BORAH in the chair). It is open to amendment.

Mr. WARREN. I desire to say that the bill is open to amendment from any Senator.

Mr. REED. I offer the following amendment. I would have waited until we reached the particular place in the bill, but I will not be able to stay in the Chamber very much longer.

The PRESIDING OFFICER. The amendment submitted by the Senator from Missouri will be stated.

The SECRETARY. On page 95, after line 5, insert:

To pay the expenses of a commission created by the President to investigate and make recommendation as to the necessity or desirability of establishing a national aerodynamical laboratory, $5,000, or so much thereof as may be necessary.

Mr. GALLINGER. I will suggest to the Senator that I think the title is aerodynamical laboratory commission. The Senator should insert the word "commission."

Mr. REED. I will accept that change if it is necessary.

The PRESIDING OFFICER. Without objection, the amendment as modified is agreed to.

The next amendment was, on page 68, line 22, after the word "melting," to insert "and refining," so as to make the clause read:

For incidental and contingent expenses, including new machinery and repairs, wastage in the melting and refining department, and loss on sale of sweeps arising from the treatment of bullion, $60,000.

The amendment was agreed to.

The next amendment was, at the top of page 69, to insert:

Assay office at Salt Lake City, Utah: Assayer in charge, who shall also perform the duties of melter, $2,500; assistant assayer, $1,600; chief clerk, who shall also perform the duties of cashier, $1,600; clerk, $1,400; in all, $7,100.
For wages of workmen and other employees, $4,500.
For incidental and contingent expenses, $3,500.

The amendment was agreed to.

THE PRESIDENTIAL TERM—VOCATIONAL EDUCATION.

Mr. CUMMINS. Has the hour of 2 o'clock arrived?

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

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

Mr. CUMMINS. Mr. President, I should like to renew my request, so often made, for consent that a vote be taken on this joint resolution. I have had some difficulty about fixing a time, in order to meet the views of various Senators. The two who are apparently most interested are not in the Chamber at this time.

Mr. WARREN. Would the Senator prefer to lay aside the joint resolution temporarily, subject to his call, and call it up at some later hour, when those Senators may be here?

Mr. CUMMINS. I do not feel like asking for a unanimous-consent agreement without the presence of the Senator from Vermont [Mr. PAGE] and the Senator from Kansas [Mr. BRISTOW]. Therefore, I will ask unanimous consent that the joint resolution may be temporarily laid aside, with the suggestion, however, that the very moment I can find both the Senator from Kansas and the Senator from Vermont in the Chamber I shall call it up and ask the unanimous consent of the Senate to fix a time to vote upon it.

Mr. WARREN. I assume the Senator would ask for a roll call, so that all might be advised of it at the time——

Mr. CUMMINS. No; I do not think I will promise that.

Mr. WARREN. I ask for no promise.

Mr. CUMMINS. Because it has been up so often and the points of objection seem to have come down to Vermont and Kansas instead of Vermont and Utah. Therefore, if I find those Senators here, I intend to present the request.

Mr. REED. Mr. President, lest the Senator from Iowa should be under any misapprehension, I want to say that I am not going to oppose fixing a date to vote upon the joint resolution at some reasonable time in the future, but I am opposed to the joint resolution in its present form. I will say to the Senator now that I shall hope that the time will not be fixed at too early a date. Does the Senator have in mind a very early date?

Mr. CUMMINS. I may say, in answer to the Senator from Missouri, that I am willing that the time shall be fixed for the 30th of the month, but the Senator from Vermont, who has a unanimous-consent agreement that follows the unfinished business, objects to that date, thinking that it ought to be fixed earlier. He tells me that he will agree that it shall be fixed for the 23d, a week from to-morrow.

The Senator from Kansas [Mr. BRISTOW] is now in the Chamber, and in order to bring the matter to the attention of the Senate, so that we can have it disposed of, I ask unanimous consent that a vote be taken upon this joint resolution on the legislative day of January 23, the joint resolution to be taken up for consideration immediately after the routine morning business is disposed of and continued until we reach a vote upon the joint resolution and all amendments that have been offered or may be offered to it.

The PRESIDING OFFICER. The Secretary will state the request of the Senator from Iowa.

The SECRETARY. The Senator from Iowa asks unanimous consent that on Thursday, January 23, 1913, immediately upon the conclusion of the routine morning business, the Senate will proceed to the consideration of the joint resolution (S. J. Res. 78) proposing an amendment to the Constitution of the United States, and before adjournment on that legislative day will vote upon any amendments that may be pending, any amendments that may be offered, and upon the joint resolution through the regular parliamentary stages to its final disposition.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Iowa?

Mr. REED. Mr. President, I do not want to make an objection, and I will not make an objection if the Senator can fix the date three or four days later. I will state my reasons for it. It is somewhat personal. I am obliged to be absent from the Senate for the next six or seven days. I am greatly interested in this question, as I think all Senators ought to be. I would not ask to have the question put off if it was merely to accommodate me personally, but if it could go a day or two longer I would be very thankful to the Senator.

Mr. CUMMINS. I will be very glad to meet the views of the Senator from Missouri. I am only embarrassed by the attitude which the educational bill bears toward this measure. If the Senator from Vermont will consent, I will suggest the following Tuesday; that is, the Tuesday coming after January the 23d, which will be the 28th.

Mr. BRISTOW. Mr. President, I wish the Senator would fix it for Thursday the 30th. Some Senators are likely to be away at that time. The 30th is only a week from the 23d, and it gives more time and fixes a definite date for the disposition of the joint resolution.

Mr. CUMMINS. As I said day before yesterday, I am willing to fix the 30th, but I owe an obligation to the Senator from Vermont in regard to the matter. If he does not object to the 30th, I am willing to accept that date.

Mr. PAGE. Mr. President, this joint resolution, as the Senator from Iowa well knows, has stood as a block to Senate bill No. 3 since as early as August last. Now, the Senator from Missouri asks that the time be extended for a day or two beyond a week from to-morrow. If a day or two days will answer I do not think I will interpose any objection. But if the suggestion of the Senator from Kansas is agreed to it puts off the consideration of Senate bill No. 3 until about the 1st of February, and we all know that at that time the appropriation bills and other matters will probably come, which would be likely to defeat the consideration of Senate bill No. 3.

It does seem to me that in view of the time the joint resolution has been before us, as it has been the blockade to other business since last August, we certainly ought to consent to fix a time, but that we should not extend it more than a day or two, as suggested by the Senator from Missouri.

Mr. REED. I do not understand how the joint resolution necessarily prevents the consideration of the bill the Senator from Vermont is interested in.

Mr. CUMMINS. If the Senator from Missouri will turn to the calendar of to-day and observe the first unanimous-consent order, he will see how they are connected. I beg that he will read it, so that the whole Senate may understand it. I may say, however, that this is the way it stands:

It is agreed by unanimous consent that at the conclusion of the consideration of a joint resolution to amend the Constitution of the United States (S. J. Res. 78), Senate bill No. 3, a bill to cooperate with the States in encouraging instruction in agriculture, the trades and industries, etc., be made a special order and be taken up for consideration.

The Senator from Vermont, therefore, can not bring on his bill until this joint resolution is disposed of. I am sorry he ever got himself into that position, but there it is by unanimous consent, and it can not be changed.

Mr. TOWNSEND. May I suggest to the Senator from Iowa, in fixing upon a date for the consideration of any of these measures, I wish it might be borne in mind that the Senate has already taken action in appointing a committee to attend the memorial services of the late Congressman WEDEMEYER, who will leave here on Saturday, the 25th, and will not be back until Monday night, the 27th. So we will be away during those two days.

Mr. CUMMINS. There are only two days really mentioned—the 23d and the 30th—and neither of them would interfere with the arrangement suggested by the Senator from Michigan. I hope very much the Senator from Vermont will find it consistent with his ideas of duty to consent to the 30th.

Mr. BRISTOW. I want to say to the Senator from Vermont, if the Senator from Iowa will permit me——

Mr. CUMMINS. I yield to the Senator.

Mr. BRISTOW. I was talking with a Senator this morning who is interested in the measure, and he said the 30th would be perfectly safe for him, that he would be back by that time, but he did not want it set for an earlier date. The date suggested by the Senator from Missouri would be Tuesday, the 28th. It is only two days from the 28th to the 30th, and while it might make no difference in the consideration of the joint resolution, it will make a difference in the return of Senators who are away.

Mr. PAGE. If it might be agreed by the unanimous consent that we shall vote upon Senate bill No. 3 on the 3d day of February, I would be content with the suggestion of the Senator from Kansas.

Mr. CUMMINS. Mr. President, I do not believe that the fixing of a date for voting upon this joint resolution ought to be a matter of trade with any other measure pending before the Senate. I think that would be distinctly inappropriate.

Mr. WORKS. Mr. President——

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

Mr. CUMMINS. I do.

Mr. WORKS. I have a rather special interest in this joint resolution, having introduced the joint resolution in its original form that was reported back from the Judiciary Committee. The joint resolution has been pending here for months as the unfinished business, going away back into the last session of Congress. I have been waiting patiently to have it brought to a vote, and I do hope that the Senator from Vermont and the Senator from Kansas can harmonize their views on this subject so that we may get it to a vote at an early day. I think to put it off until the 30th is longer than it should be delayed, but I am willing to consent to that if it can be agreed upon. However, I think the request of the Senator from Kansas that it shall be postponed until that date is rather unreasonable. It could certainly be fully discussed before that time, and unless there is some special reason for not fixing an earlier date I hope that date will not be insisted upon.

Mr. BRISTOW. It was to suit the desires of some Senators who do not expect to be able to be present during the early part of that week.

Mr. WORKS. The trouble about it is that there are too many Senators who are not here when these matters should be determined, and we are compelled from time to time to postpone the consideration and voting upon measures that ought to be disposed of because some Senators are absent from the Senate. I do not regard that as a very good reason, unless there is some imperative reason for a Senator to be absent. I do not know what the facts may be in this case.

Mr. BRISTOW. I have not inquired of the Senator whether he had a good reason for being away. I did not think that that was within my province. He said he would have to be away, and I accepted his word for it.

Mr. PAGE. Mr. President——

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

Mr. CUMMINS. I do.

Mr. PAGE. I should like to ask the Senator from Iowa, if he thinks it proper to do so, to withhold his request for a vote and let me prefer a request to the Senate that it give unanimous consent that my bill shall be taken up on the 3d of February.

Mr. CUMMINS. No.

Mr. SMITH of Georgia. The objection to that is this: We can not tell just how long the discussion of the constitutional amendment will take. I am perfectly willing to consent that immediately after disposing of the constitutional amendment on the next legislative day we shall take up the bill of the Senator from Vermont, but that we should agree now that we should dispose of Senate bill No. 3 on February 3, and take up the constitutional amendment on February 1, and we may not have it finished by February 3 or until sometime during February 3, it might leave no time for the discussion of the bill of the Senator from Vermont. It is not my desire to hinder the consideration of that bill. I wish we were able to consider it as soon as we have finished the pending appropriation bill. I will be glad to have it heard as soon as possible, but I do not think we ought to put our agreement in such a shape that it might leave us with no opportunity whatever to discuss that bill.

Mr. WARREN. Mr. President——

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

Mr. CUMMINS. In just a moment. I will say to the Senator from Vermont that I will do everything in my power to aid the Senator in securing a vote upon the bill to which he refers, but I do not think I ought to withdraw this request for the purpose of having him submit another, understanding that if he is not successful in his request he intends to object to the one that I have proposed.

Mr. SMITH of Georgia. If the Senator from Vermont will put his request in the shape of a consent that Senate bill No. 3 shall be disposed of during the next legislative day after the disposal of the constitutional amendment, I would not object. I desire merely to have it so arranged that we may be sure we will have an opportunity to consider that bill.

Mr. PAGE. I shall be very glad, indeed, to submit that request. It does seem to me as though it would not interfere

with the Senator from Iowa, if all others are willing, that on the next legislative day the Senate shall take up my bill, and that it be agreed to at this time.

Mr. WARREN. If the Senator from Iowa will allow me——

Mr. CUMMINS. I yield to the Senator from Wyoming.

Mr. WARREN. Mr. President, we are now in the middle of this session of Congress. We have not passed a single appropriation bill. There are 16 bills, including the river and harbor and public building bills, that are already begun or will be enacted in the House. All these must be considered in the Senate. I do not think there should be any unanimous-consent agreement to take up a matter and finish it on some legislative day which may run two or three weeks, unless the consideration of appropriation bills is excepted and those special orders not to interfere with consideration of any of these great supply bills.

I have no factious opposition to offer. I want to facilitate business. I want all the appropriation bills to pass and I want these other measures to have full attention.

If it should be proposed to vote upon the calendar day of the 30th, or at some hour the Senate would commence voting and finish in that day; but even then we ought to except the appropriation bills. I think it is my duty to call the attention of the Senate to the condition we are in.

I wish to say, furthermore, that no committee of the Senate can be blamed for the tardiness of the appropriation bills. The reasons are obvious. We have been tied up as a court. Senators had, in duty to their conscience and their constituents, to act as a jury. They have been forbidden to leave the Chamber except for a few moments at a time. The legislative appropriation bill, which is the most complicated of all, was reported on the very day that we had decided on finishing the other matter, so there can be no just criticism of the committee.

I think there should be help from all sides to the various committees. I do not speak for the Committee on Appropriations alone, but here are the Army appropriation bill, the naval appropriation bill, the agricultural appropriation bill, and others that all Senators are interested in. I beg them to take this into consideration, and in fixing dates to except the appropriation bills. As far as I am concerned, with those which I have charge of, I will say that I shall try to stand in no Senator's way, and I shall try to facilitate the business of the Senate.

Mr. PAGE. Mr. President——

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

Mr. CUMMINS. I yield to the Senator from Vermont.

Mr. PAGE. I should be very glad indeed to make the exception suggested by the Senator from Wyoming—that this bill shall not interfere with appropriation bills—if I may do so safely.

Mr. President, with that exception I ask unanimous consent that on the next legislative day following the consideration of Senate joint resolution No. 78, immediately at the conclusion of that, we shall take up Senate bill No. 3, and that not later than the conclusion of that legislative day the Senate shall proceed without further debate to vote upon any amendment that may be pending, or amendments that may be offered, and upon the bill, through the regular parliamentary stages to its final disposition.

Mr. WARREN. My attention was diverted. Did the Senator except the consideration of appropriation bills?

Mr. PAGE. Certainly; I except the consideration of appropriation bills.

Mr. GALLINGER. Not to interfere with appropriation bills.

Mr. WARREN. Not to interfere with appropriation bills.

The PRESIDING OFFICER. The Chair understands that the matter before the Senate is the request preferred by the Senator from Iowa.

Mr. CUMMINS. I understand the Senator from Vermont really adds that to the request I made, so that it may all be adopted at the same time.

Mr. PAGE. I am perfectly willing that that shall be done.

Mr. WARREN. Will the Senator from Iowa, as long as we give so much time, make it the calendar day and finish it up on that day?

Mr. CUMMINS. May I suggest to the Senator from Wyoming that I have tried to do that, and I meet with objection. Therefore I am driven to the legislative day. But there is no reason why it should take up a very great deal of time.

Mr. WARREN. I have no interest except what other Senators have.

Mr. CUMMINS. I know.

Mr. WARREN. The Senator will understand the embarrassment of the various committees.

Mr. CUMMINS. I can.

The PRESIDING OFFICER. The Secretary will state the request of the Senator from Vermont.

The SECRETARY. The Senator from Vermont asks unanimous consent that on Thursday, January 30, 1913, immediately upon the conclusion of the routine morning business, the Senate will proceed to the consideration of the joint resolution (S. J. Res. 78) proposing an amendment to the Constitution of the United States, and before adjournment on that legislative day will vote upon any amendment that may be pending, any amendment that may be offered, and upon the joint resolution, through the regular parliamentary stages, to its final disposition.

Further, that on the day following the disposition of Senate joint resolution 78, and immediately upon the conclusion of the routine morning business on that day, the Senate will proceed to the consideration of Senate bill 3, to cooperate with the States in encouraging instruction in agriculture, the trades and industries, and so forth, and that before adjournment on that day will vote upon any amendment that may be pending, any amendment that may be offered, and upon the bill, through the regular parliamentary stages, to its final disposition; such consideration, however, not to interfere with the consideration of appropriation bills.

Mr. SMITH of Georgia. That is not the agreement. I can not accept that, Mr. President. The Secretary did not read "legislative day." He said "on that day" as to Senate bill 3.

The SECRETARY. In the second paragraph read "and that before adjournment on that legislative day."

Mr. REED. Mr. President, a parliamentary inquiry. There is at present a unanimous-consent agreement that Senate bill 3 shall be made a special order and taken up for consideration immediately after the disposition of joint resolution 78. Is not the proposition now, in fact, a variation of that unanimous-consent agreement previously made, and if it is a variation, can it be made by unanimous consent?

I am not doing this, I want to say, to bar the Senator from Vermont from the right to have his bill considered, because I think he has been very patient, long suffering, slow to wrath, and of great kindness, but I do think that we are in a doubtful position.

Mr. SMOOT. Very doubtful, indeed.

Mr. CUMMINS. It does change the present situation very much. In the first place, there is no unanimous consent upon this joint resolution, and, in the second place, there is no unanimous consent at the present time for a vote upon Senate bill 3.

Mr. SMOOT. There is, however, a unanimous-consent agreement that Senate bill No. 3 shall follow immediately after the disposition of the joint resolution; that it shall be made a special order and be taken up for consideration immediately thereafter.

Mr. CUMMINS. But not to proceed to vote.

Mr. SMOOT. No. The unanimous-consent agreement asked for now is a change in that unanimous-consent agreement.

Mr. CUMMINS. That is the only addition to the unanimous-consent agreement now standing.

Mr. SMOOT. No unanimous consent can be changed by a unanimous consent. It was so held the other day.

Mr. CRAWFORD. This does not conflict with it in the slightest degree.

Mr. SMOOT. It is adding to it and making a change.

Mr. CRAWFORD. Both can stand without conflicting with each other.

Mr. REED. But there is a conflict, because it makes——

The PRESIDING OFFICER. Senators will address the Chair.

Mr. REED. It does conflict, because it now interjects the proposition to make it subject to the consideration of the appropriation bills, which is an absolute modification of the present unanimous consent.

Mr. SUTHERLAND. Mr. President——

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

Mr. CUMMINS. I do.

Mr. SUTHERLAND. It seems to me that there is absolutely no conflict between the unanimous-consent order that has already been entered and the one which is now requested. The unanimous-consent agreement now is that at the conclusion of the consideration of this joint resolution Senate bill No. 3 shall be made a special order and be taken up for consideration. That unanimous-consent agreement would be entirely satisfied if immediately after the disposition of the joint resolution the Senate would proceed to the consideration of Senate bill No. 3 for five minutes and then adjourn. That would be the end of that unanimous-consent agreement.

Now, the request is, first, by unanimous consent to take up the joint resolution and vote upon it before the end of the legis-

lative day of January 30, and then upon the day following that, to take up Senate bill No. 3 for consideration and vote before the end of that legislative day. So, before the second subdivision of this unanimous-consent agreement is entered upon the unanimous-consent agreement already upon the calendar will have been disposed of. I can not see that there is any conflict whatsoever.

Mr. GALLINGER. Mr. President——

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

Mr. CUMMINS. I do.

Mr. GALLINGER. I suggest to the Senator from Utah that while his suggestion is correct, if the bill the Senator from Vermont is interested in should be considered briefly and then the Senate should take up something else it would be displaced, but if it is considered during the day it then becomes the unfinished business. So the Senator from Vermont does not lose his rights because of that fact.

Mr. SUTHERLAND. No; but the point I make is that there is no conflict between the two.

Mr. GALLINGER. No; I think not, either.

Mr. SUTHERLAND. The Senate may certainly unanimously agree to do a particular thing and then unanimously agree to do something in addition to that particular thing. It can not agree by unanimous consent to do something in conflict with a unanimous-consent agreement. That is the point I am making.

Mr. REED. Mr. President——

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

Mr. CUMMINS. I do.

Mr. REED. I want to ask the Senator from Utah a question, if he will permit me. I do not agree with the Senator's last suggestion, but is not this the situation: We absolutely agree in the present unanimous-consent arrangement that at the conclusion of the consideration of joint resolution No. 78 we will consider Senate bill No. 3? That is unqualified and absolute and positive. Now, it is proposed to say we will consider it subject to appropriation bills. That is a qualification distinctly taking away from the previous agreement, so that, as the resolution now stands, it would be our duty to take up that matter and consider it. If the proposition now before the Senate is agreed to, then we would not be in the position of unqualifiedly taking it up, but we would take it up subject to the superior and dominant rights of appropriation bills. I ask the Senator if he does not think that is the situation? I want to get it right; that is all.

Mr. PAGE. Allow me——

Mr. SUTHERLAND. If the Senator from Vermont will permit me to answer the question, I was not directing my suggestions to that particular phase of the matter, the Senator will recall. I think there is much in the suggestion which the Senator now makes. Perhaps in that particular it may be regarded as a change or modification of the present unanimous-consent agreement.

Mr. SMITH of Georgia. I should like to make this further suggestion to the Senator from Vermont——

Mr. SUTHERLAND. If the Senator from Georgia will permit me, I suggest to the Senator from Vermont that it might be well if he would withdraw that part of his request.

Mr. SMITH of Georgia. I should like to ask the Senator from Utah if there is not this further trouble: We go to bill No. 3 under a unanimous-consent agreement that we will continue upon it during the legislative day until it is finished; we also have the exception that appropriation bills can come in at any time and stop it. We might be on appropriation bills and this bill, then, for a number of days without any morning hour. We would take the appropriation bills, then, in that legislative day, and we would have to finish the appropriation bills also during the legislative day. The injection of appropriation bills into the agreement would cause us a great deal of confusion.

Now, I should like to make this suggestion to the Senator from Vermont: I want to say to him that there is not the slightest desire on this side to stop action on this bill——

Mr. PAGE. Mr. President——

Mr. SMITH of Georgia. One moment. All I desire is that we should have just a few hours to discuss it. We can take it up at once; but it is stopped by the joint resolution proposing a constitutional amendment. If we set a day and get rid of the joint resolution relative to the constitutional amendment, then the bill of the Senator from Vermont becomes the unfinished business; we can take it up the very next day at 2 o'clock; and we shall have from 2 o'clock to 4 o'clock, and in all probability can finish it. As there is no desire to prolong debate and no desire to interfere with it, I do not really think it needs any unanimous consent at all to secure consideration.

Mr. PAGE. Mr. President——

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

Mr. CUMMINS. I do.

Mr. PAGE. I want to say that, in view of the very kindly attitude toward my bill, I want to withdraw my request.

Mr. CUMMINS. Now I ask that the request which I made may be put.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Iowa?

Mr. JONES. I simply want to find out what date was fixed for a vote, whether it was the 25th or the 30th.

Mr. CUMMINS. January 30.

Mr. JONES. Very well.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Iowa? The Chair hears none, and it is so ordered.

Mr. REED. Mr. President, this unanimous-consent agreement has not been passed upon, has it?

The PRESIDING OFFICER. It has been.

Mr. REED. In what form? I stopped and turned to answer a question. I thought I was watching the proceedings, and I should like to know what has been done.

The PRESIDING OFFICER. The Secretary will read the request of the Senator from Iowa, which has been agreed to.

The Secretary read as follows:

It is agreed by unanimous consent that on Thursday, January 30, 1913, immediately upon the conclusion of the routine morning business, the Senate will proceed to the consideration of Senate joint resolution 78, proposing an amendment to the Constitution of the United States, and before adjournment on that legislative day will vote upon any amendment that may be pending, any amendments that may be offered, and upon the resolution, through the regular parliamentary stages, to its final disposition.

Mr. REED. The agreement only applies to one measure?

The PRESIDING OFFICER. That is all.

Mr. REED. Very well.

The PRESIDING OFFICER. Does the Senator from Iowa now ask to have the unfinished business temporarily laid aside?

Mr. CUMMINS. In view of the unanimous consent just given, I ask that the joint resolution be temporarily laid aside.

The PRESIDING OFFICER. The Senator from Iowa asks unanimous consent that the unfinished business be temporarily laid aside. Is there objection? The Chair hears none, and it is so ordered.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The Senate, as in the Committee of the Whole, resumed the consideration of the bill (H. R. 26680) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1914, and for other purposes.

The next amendment of the Committee on Appropriations was, under the subhead "Government in the Territories," on page 69, line 16, before the words "of Alaska," to strike out "District" and insert "Territory," so as to make the clause read:

Territory of Alaska: Governor, $7,000; 4 judges, at $7,500 each; 4 attorneys, at $5,000 each; 4 marshals, at $4,000 each; 4 clerks, at $3,500 each; in all, $87,000.

The amendment was agreed to.

The next amendment was, on page 69, line 23, after the word "business," to strike out "rent of offices and quarters in Juneau" and insert "repair and preservation of executive mansion," so as to make the clause read:

For incidental and contingent expenses, clerk hire, not to exceed $2,250; janitor service, not to exceed $900; traveling expenses of the governor while absent from Juneau on official business; repair and preservation of executive mansion, stationery, lights, and fuel, to be expended under the direction of the governor, $7,150.

Mr. SHIVELY. Mr. President, I want to inquire why the words "repair and preservation of executive mansion" are employed? Is that a Government building now? Have we had a Government building constructed at Juneau within the last year?

Mr. WARREN. There is a building erected there. It was impossible to rent proper quarters, and appropriations were made for the building. I think it is called the executive mansion.

Mr. SHIVELY. Is this building owned by the Government?

Mr. WARREN. It is owned by the Government.

Mr. SHIVELY. And has been procured within the last year?

Mr. WARREN. No; it was provided for, I think, two years ago and has since been erected. That is my remembrance.

Mr. SHIVELY. I notice that in the current appropriation—that is, the appropriation for the present year—provision is simply made for rent.

Mr. WARREN. We took that provision out, because we presumed when we appropriated last year, though we were not certain, that they would have to pay rent for a part of the year; but now I assume that they have moved in and that it is not necessary to further provide for rent.

Mr. CUMMINS. Will the Senator from Wyoming allow me to ask him a question, as I was absent attending a committee meeting, and therefore do not know just what has happened?

Mr. WARREN. Certainly.

Mr. CUMMINS. Is the Senate now adopting any part of this bill or simply the amendments offered by the committee?

Mr. WARREN. The Senate is adopting or rejecting all amendments of the committee, and it is also considering amendments offered by Senators.

Mr. CUMMINS. But the whole bill will be open for amendment after the present order?

Mr. WARREN. I, of course, shall not object to a reasonable turning back, if it be necessary, to accommodate Senators.

Mr. CUMMINS. Very well.

Mr. WARREN. I assume that the Senator does not want to go back and reconsider, but to go back——

Mr. CUMMINS. I do not know that I want to go back at all; but there is an amendment that I desire to offer on page 87.

Mr. GALLINGER. We have not reached that point.

Mr. WARREN. The Senator can offer his amendment at any time he wishes.

Mr. CUMMINS. I will wait until the committee amendments are finished, because I think the committee ought to have its chance.

The PRESIDING OFFICER (Mr. PAGE in the chair). Without objection, the pending committee amendment is agreed to.

The next amendment of the Committee on Appropriations was, on page 70, after line 2, to insert:

For legislative expenses, namely: Salaries of members, $21,600; mileage of members, $6,500; salaries of employees, $5,160; printing of laws, $5,000; rent of legislative halls and committee rooms, $2,000; stationery, supplies, printing of bills, reports, etc., $5,000; in all, $45,260, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 70, line 18, after the sum "$2,000," to insert "for traveling expenses of the governor while absent from the capital on official business, $500," and in line 19, after the words "in all," to strike out "$3,000" and insert "$3,500," so as to make the clause read:

For contingent expenses of the Territory of Hawaii, to be expended by the governor for stationery, postage, and incidentals, $1,000, and for private secretary to the governor, $2,000; for traveling expenses of the governor while absent from the capital on official business, $500; in all, $3,500.

The amendment was agreed to.

The next amendment was, under the head of "War Department," on page 70, line 23, after the sum "$5,000," to insert "assistant and chief clerk, $4,000," and, on page 71, after the words "in all," at the end of line 16, to strike out "$144,160" and insert "$148,160," so as to make the clause read:

Office of the Secretary: Secretary of War, $12,000; Assistant Secretary, $5,000; assistant and chief clerk, $4,000; private secretary to the Secretary, $2,500; clerk to the Secretary, $2,000; stenographer to the Secretary, $2,000; clerk to the Assistant Secretary, $2,400; assistant chief clerk, $2,400; disbursing clerk, $2,750; appointment clerk, $2,250; four chiefs of division, at $2,000 each; superintendent of buildings outside of State, War, and Navy Department Building, in addition to compensation as chief of division, $500; chief telegrapher, $1,800; clerks—4 of class 4, 5 of class 3, 15 of class 2, 19 of class 1, 6 at $1,000 each, 1 $900; foreman, $1,200; carpenter, $1,200; chief messenger, $1,000; carpenter, $1,080; skilled laborer, $1,080; 6 messengers; 7 assistant messengers; 2 assistant messengers, at $600 each; telephone switchboard operator; assistant telephone switchboard operator; engineer, $900; assistant engineer, $720; fireman; 4 watchmen; 5 watchmen, at $660 each; 8 laborers; hostlers—1 $600, 1 at $540; elevator conductors—1 at $600; 4 charwomen; in all, $148,160.

The amendment was agreed to.

The next amendment was, on page 74, line 11, after the words "Chief clerk," to strike out "$2,000" and insert "$2,250"; in line 13, before the words "of class 3," to strike out "eleven" and insert "thirteen"; in the same line, before the words "of class 2," to strike out "twenty-six" and insert "twenty-four"; and in line 22, after the words "in all," to strike out "$166,108" and insert "$166,758," so as to make the clause read:

Office of the Surgeon General: Chief clerk, $2,250; law clerk, $2,000; clerks—13 of class 4, 13 of class 3, 24 of class 2, 32 of class 1, 10 at $1,000 each, 3 at $900 each; anatomist, $1,600; engineer ,$1,400; 3 firemen; skilled mechanic, $1,000; 2 messengers; 10 assistant messengers; 3 watchmen; superintendent of building (Army Medical Museum and Library), $250; 6 laborers; chemist, $2,088; assistant chemist, $1,500; principal assistant librarian, $2,250; pathologist, $1,800; microscopist, $1,800; assistant librarian, $1,800; 4 charwomen; in all, $166,758.

The amendment was agreed to.

The next amendment was, on page 75, line 18, after the words "Chief clerk," to strike out "$2,000" and insert "$2,250," and in line 23, after the words "in all," to strike out "$103,820" and insert "$104,070," so as to make the clause read:

Office of the Chief of Engineers: Chief clerk, $2,250; 2 chiefs of division, at $2,000 each; clerks—8 of class 4, 11 of class 3, 13 of class 2, 16 of class 1, 10 at $1,000 each, 11 at $900 each; 6 messengers; 3 assistant messengers; 2 laborers; in all, $104,070.

The amendment was agreed to.

The next amendment was, on page 76, line 16, before the words "of class 3," to strike out "three" and insert "seven"; in the same line, before the words "of class 2," to strike out "ten" and insert "eleven"; in line 17, before the words "of class 1," to strike out "nineteen" and insert "fourteen"; and in line 19, after the words "in all," to strike out "$88,430" and insert "$90,230," so as to make the clause read:

Office of the Bureau of Insular Affairs: Law officer, $4,500; chief clerk, $2,250; clerks—10 of class 4, 7 of class 3, 11 of class 2, 14 of class 1, 15 at $1,000 each; 3 messengers; 2 assistant messengers; 4 laborers; 2 charwomen; in all, $90,230.

The amendment was agreed to.

Mr. GALLINGER. Mr. President, I offer an amendment which I send to the desk, and I desire to say a word in reference to it.

The PRESIDING OFFICER. The amendment proposed by the Senator from New Hampshire will be stated.

The SECRETARY. On page 79, line 20, before the word "each," it is proposed to strike out "$720" and to insert in lieu thereof "$900," and on page 80, line 8, before the word "each," to strike out "$720" and to insert in lieu thereof "$900."

Mr. GALLINGER. Mr. President, my amendment relates to what are called park watchmen, more properly park policemen, and I want to read just a few words from a report made by Col. Spencer Cosby, who is in charge of the parks here. He says:

The Washington park policeman is probably the poorest paid man in the United States who has police duty to perform. He has practically the same duties to perform as the Metropolitan police. The same intelligence and physical qualifications are required of him. His moral character must be good; his discipline is much the same. He has as many arrests to make as the average policeman. He runs the same risks as to injury from vicious people as the man doing duty on the street. * * * He has a uniform to buy once a year in order to look neat, and yet the pay of these policemen is only $60 per month. The Government requires the street railway companies to pay their crossing police officers $75 per month for a great deal less exacting and laborious duty.

The fact is, Mr. President, that at the last session the pay of crossing policemen was increased to $100 per month, which they are now receiving. In a letter from Col. Cosby to the Committee on the District of Columbia, dated December 14, 1912, he says:

I desire to call the special attention of your committee to the changes asked for under the head of park watchmen, and to the request that the designation be changed to park police. In my last annual report is contained the following statement:

"The park watchmen receive only $60 a month and their uniforms, the allowance for which amounts to a little less than $5 per month. I do not know of any other men doing police duty in a large city who are as poorly paid. The Metropolitan police of this city, the crossing police, and the Capitol police all receive much higher salaries. This inequality should be removed and the pay of the park watchmen increased."

I believe it would be only fair and equitable to increase the pay of the privates of park police to $900 per year each.

The fact is, Mr. President, and I have a pretty correct knowledge of this matter, that here are men performing police duty and working long hours, and they are paid the miserable pittance of $60 per month. How on earth they live is beyond my comprehension. I should very much like to have this amendment agreed to and let it go into conference. If it fails, then I have done my duty and the Senate has done its duty. I trust that it will be permitted to become an amendment to the bill, and that it will be looked into very carefully before the bill finally becomes a law.

Mr. SMOOT. Mr. President, so that the record may be straight, I desire to call the Senator's attention to the fact that on page 80 there is a provision appropriating $2,800 "for purchasing and supplying uniforms to park, monument, and bridge watchmen." I do not know that the Senator's attention has been called to that. I understand that these employees do not furnish their uniforms, but they are furnished out of the appropriation to which I have just called the Senator's attention.

Mr. GALLINGER. Mr. President, that is news to me, for the reason that Col. Cosby states that they do purchase their uniforms; but whether they do or not, admitting that their uniforms are furnished—and it is possible that some change may have been made in the last year or two—admitting that to be the fact, I submit that to ask men to go into our parks to guard the parks and to arrest offenders, to risk their lives, and to work long hours for $60 a month at the present cost of living is bordering on what I think is inhuman.

Mr. SMOOT. I simply called the attention of the Senator to this matter so that the record might be straight, not that I objected to the increase.

Mr. GALLINGER. I am very glad the Senator did so. I was not aware of the fact to which he called attention.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from New Hampshire.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, under the head of "Navy Department," on page 82, line 2, before the words "of class 2," to strike out "four" and insert "five"; in line 3, before the words "of class 1," to strike out "five" and insert "six"; and in line 8, after the words "in all," to strike out "$75,060" and insert "$77,660," so as to make the clause read:

Office of the Secretary: Secretary of the Navy, $12,000; Assistant Secretary of the Navy, $5,000; chief clerk, $3,000; private secretary to Secretary, $2,500; clerk to Secretary, $2,250; clerk to Assistant Secretary, $2,000; disbursing clerk, $2,250; stenographer, $1,800; clerks—4 of class 4, 2 of class 3, 5 of class 2, 6 of class 1; 1, $1,100; 4 at $1,000 each; stenographer, $1,200; telegraph operator, $1,100; 2 copyists; carpenter, $900; 4 messengers; 4 assistant messengers; 3 laborers; 3 messenger boys, at $600 each; messenger boy, $420; messenger boy, $400; telephone switchboard operator; assistant telephone switchboard operator; in all, $77,660.

The amendment was agreed to.

The next amendment was, on page 84, line 23, after the figures "$2,000," to insert "chief clerk, $1,800," and in line 25, before the word "one," to strike out "two at $1,600 each," and insert "one $1,600," so as to read:

Hydrographic Office: Hydrographic engineer, $3,000; assistant, $2,200; assistant, $2,000; chief clerk, $1,800; nautical experts—one $1,800, one $1,600, one $1,400, three at $1,200 each.

The amendment was agreed to.

The next amendment was, on page 36, line 17, to change the total from $102,700 to $102,900.

The amendment was agreed to.

The next amendment was, on page 86, line 13, after the word "publications," to insert "books of reference," so as to make the clause read:

For purchase of copperplates, steel plates, chart paper, packing boxes, chart portfolios, electrotyping copperplates, cleaning copperplates; tools, instruments, power, materials for drawing, engraving, and printing; materials for and mounting charts; reduction of charts by photography; photolithographing charts for immediate use; transfer of photolithographic and other charts to copper; care and repairs to printing presses, furniture, instruments, and tools; extra drawing and engraving; translating from foreign languages; telegrams on public business; the preparation of Pilot Charts and their supplements, and the printing and mailing of the same; purchase of data for charts and sailing directions and other nautical publications; books of reference, works and periodicals relating to hydrography, marine meteorology, navigation, surveying, oceanography, and terrestrial magnetism, $26,000.

The amendment was agreed to.

The next amendment was, on page 87, line 4, after the word "established," to strike out "$11,000" and insert "$14,000," so as to make the clause read:

Contingent expenses of branch offices at Boston, New York, Philadelphia, Baltimore, Norfolk, Savannah, New Orleans, San Francisco, Portland (Oreg.), Portland (Me.), Chicago, Cleveland, Buffalo, Duluth, Sault Ste. Marie, Seattle, Panama, and Galveston, including furniture, fuel, lights, works and periodicals relating to hydrography, marine meteorology, navigation, surveying, oceanography, and terrestrial magnetism, stationery, miscellaneous articles, rent and care of offices, care of time balls, car fare and ferriage in visiting merchant vessels, freight and express charges, telegrams, and other necessary expenses incurred in collecting the latest information for the Pilot Charts, and for other purposes for which the offices were established, $14,000.

The amendment was agreed to.

The next amendment was, on page 87, line 5, after the word "offices," to strike out "$17,960" and insert "$22,000," so as to make the clause read:

For services of necessary employees at branch offices, $22,000.

The amendment was agreed to.

Mr. CUMMINS. Mr. President, I offer the amendment which I send to the desk, to come in on page 87.

The PRESIDING OFFICER. The Senator from Iowa offers an amendment, which will be stated.

The SECRETARY. On page 87, at the end of line 25, it is proposed to insert:

The Hydrographic Office shall not be removed to the building and grounds of the Naval Observatory.

Mr. WARREN. Mr. President, as that is not estimated for and is new legislation, perhaps the Senator would like to give us his reasons, because otherwise, should the amendment go to conference, we would be without any basis for discussing it.

Mr. CUMMINS. Of course, there is no estimate for it, because it does not involve any appropriation.

Mr. WARREN. If the Senator will permit me before he proceeds, I will say that we left out what might have been considered an appropriation to effect the removal of that office. There is no appropriation in the bill for its removal.

Mr. CUMMINS. I am advised that it is now in the power of the President or of some other officer of the Government to remove the Hydrographic Office to the building of the Naval Observatory. I know that there has been such an enterprise on foot. I have given the matter a good deal of investigation, and I am deeply convinced that it would greatly interfere with the value of the work done at the Naval Observatory if it were combined with the Hydrographic Office. I want therefore to put it out of the power of any department, at least pending these appropriations, to make that removal and consolidation.

It is obvious to anyone who is familiar with the subject that there is nothing whatsoever in common between the work of the Hydrographic Office and the work of the Naval Observatory or the work connected with the Ephemeris or the Nautical Almanac, and I have become persuaded that it would be most injurious to this institution if the proposed consolidation or removal were brought about. For that reason I have offered the amendment just read.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Iowa.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, on page 88, line 3, before the word "assistant," to strike out "2, at $1,800 each" and insert "1 $2,000, 1 $1,800"; in line 7, before the word "each," to strike out "$1,000" and insert "$1,200"; and in line 10, after the words "in all," to strike out "$43,640" and insert "$44,240," so as to make the clause read:

Naval Observatory: Assistant astronomers—1 $2,400, 1 $2,000, 1 $1,800; assistant in department of nautical instruments, $1,600; clerks—1 of class 4, 1 of class 2; instrument maker, $1,500; electrician, $1,500; librarian, $1,800; assistants—3 at $1,600 each, 3 at $1,400 each, two at $1,200 each; stenographer and typewriter, $900; foreman and captain of the watch, $1,000; carpenter and engineer, at $1,000 each; 3 firemen; 6 watchmen; elevator conductor, $720; 9 laborers; in all, $44,240.

The amendment was agreed to.

The next amendment was, on page 88, line 13, after the word "books," to insert "books of reference," so as to make the clause read:

For professional and scientific books, books of reference, periodicals (subscriptions to periodicals may be paid in advance), engravings, photographs, and fixtures for the library, $750.

The amendment was agreed to.

Mr. JONES. Mr. President, I offer an amendment, to come in on page 89.

The PRESIDING OFFICER. The Senator from Washington offers an amendment, which will be stated.

The SECRETARY. On page 89, line 8, after the sum "$2,000," it is proposed to insert "who may hereafter act as or be appointed director."

Mr. WARREN. Mr. President, that is not estimated for, and I notice in the hearings before the House committee the officials who appeared there from the department objected to its going in. I have no factious opposition to offer, but I want the Senator to know the situation. The House had before them only the fact that it was not requested nor desired by the department.

Mr. JONES. In the hearings the Senator will remember that Capt. Jayne simply said that these words were in the last bill, but were not put in at the request of the department, and they did not consider them necessary. That was the only objection they made to it. I hope the Senate will adopt the amendment. I am satisfied that the House will concur in the amendment, because it was understood, I am informed, that the language we put in the bill last year was considered permanent. I ask for a vote on the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Washington.

The amendment was agreed to.

Mr. TOWNSEND. I was called from the Chamber at the time we passed page 83, and I should like to return to that page a moment for the purpose of offering an amendment.

Mr. CUMMINS. Mr. President, will the Senator from Michigan yield to me for a moment?

Mr. TOWNSEND. I yield.

Mr. CUMMINS. On the subject of the Naval Observatory and Ephemeris and Nautical Almanac, embraced in the provisions of the bill now before the Senate, I wish to suggest to the chairman of the committee that I intend to offer an amendment before the time is past for offering amendments striking out the word "Naval" and inserting the word "National," so that it will be the "National Observatory" instead of the "Naval Observatory." I will also offer an amendment transferring the National Observatory to the Department of Com-

merce and Labor, instead of allowing it to remain under the Navy Department, where it now is.

Mr. WARREN. Mr. President, of course, I do not want to say what I will do when the amendment is offered, but while I might not raise any objection to the change in the name, it seems to me that a matter so important as changing the department under which the Naval Observatory is to be administered ought to be considered in a measure outside of an appropriation bill, because, if we proceed in that way with appropriation bills we shall hardly find an end.

Mr. CUMMINS. I concede the force of the statement just made by the Senator from Wyoming; but is it not fair that we legislate on some subjects on appropriation bills and then restrict ourselves as to others. We have fallen into the habit of doing this thing. I am perfectly willing to abandon the habit; but so long as we are pursuing it I do not feel any moral wrong in participating in it, and I am so thoroughly convinced that the name "Naval Observatory" is a misnomer and so thoroughly convinced that it is very inadequate for the work which it is supposed to do that I desire to begin at least a campaign to make the observatory what it ought to be. It has no more relation to the Navy than it has to the Army.

Mr. PERKINS. Naval officers are in charge of it.

Mr. CUMMINS. Naval officers happen to be in charge of it, as suggested by my friend from California; but I do not think that necessarily naval officers ought to be in charge of it. I think it ought to be in the hands of distinguished scientists.

Mr. ROOT. Did it not grow from the Navy?

Mr. CUMMINS. The work which it does, or ought to do, is of practically no importance in the preparation of the Ephemeris or the Nautical Almanac. It is popularly supposed there is a very intimate connection between the work of the observatory and the work of the Ephemeris and the Almanac. I do not believe this is true. I believe that the observatory ought to be a purely scientific institution, carried on for the purpose of making observations not for our own use alone but for the use of the world, and in the end we will put the observatory in the hands of men who have demonstrated their qualifications for that kind of work, as other nations have already put their observatories into the hands of such scientists.

Mark you, I am not in any wise impeaching or even criticizing the management of the Naval Observatory or the skill or knowledge of the men who are connected with it. I only say that it is founded on a false principle, and I intend to do what little I can do to remove it from the sphere which I think it ought not to occupy.

I can not, however, offer the amendments which I have suggested at this moment. I did not believe that we would reach this part of the bill so soon, and therefore I have not prepared them; but before there is any adoption by the Senate of these two pages I desire to have an opportunity to present the amendments which I have outlined to the chairman of the committee and to the Senate.

Mr. TOWNSEND. I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The Senator from Michigan offers an amendment, which will be stated.

The SECRETARY. On page 83, line 21, it is proposed to strike out "1 of class 2" and insert in lieu thereof "1 of class 3"; and also, in line 23, to strike out "$12,100" and insert "$12,300."

Mr. WARREN. Mr. President, I understand the Senator wishes to raise the salary of one clerk.

Mr. TOWNSEND. To raise his salary $200, as estimated for by the department.

Mr. WARREN. That is estimated for, and there is no objection on the part of the committee.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. ROOT. Mr. President, I should like to say a few words regarding the remarks of the Senator from Iowa [Mr. CUMMINS]. I may not be here when he offers the amendment of which he has given notice, so that I will speak now. I do not know whether I would be in favor of such an amendment or not. I think it may be that it would be advisable, but I do not know, and I do not think the Senate can know that fact as the result merely of a discussion on the floor.

It seems to me that the proposal of so radical a change in the management of an institution which has grown up in one department, which has been under the direction of that department for many years, ought to be presented at such a time that it can be referred to the appropriate committee, and that the committee may inquire into the subject, call before them the representatives of the different departments involved, and come to a deliberate judgment which they can report to the Senate, as to whether this change or any such change ought to be made.

I do not believe we ought to step in, upon an amendment offered on the floor, never having been referred to a committee, and undertake to make such a change. I do not think we ought to consider it.

Mr. LODGE. Will the Senator from New York allow me?

Mr. ROOT. Certainly.

Mr. LODGE. I do not want now to discuss this question of the Naval Observatory. It is a very large question, and the amendment, which I understand the Senator from Iowa has suggested but not offered, would, of course, be clearly out of order as proposing general legislation and totally changing existing law. It is a subject that has been much discussed in past years, and Congress, on the whole, has thought it best to leave the observatory where it is.

There are certain functions of the Naval Observatory that are purely naval—the care of the chronometers and things of that sort—and it is too large a subject to be dealt with on an amendment offered without warning on an appropriation bill. There is a great deal to be said on both sides, I recognize. I have been familiar with the question for a great many years, and I think it would require a great deal of discussion before being acted upon. The proposition ought to be in the form of a bill, as the Senator from New York [Mr. ROOT] suggests, and go to the proper committee, so that the matter could be heard. We have had those hearings before, and they have generally resulted in leaving the matter where it was. A similar change was tried in France. They took the observatory out of naval hands and put it into civilian hands, and in a very short time they put it back again. So it does not follow that it is always wise to take such a step. I merely say this now because I want to give notice that if anything of that sort is contemplated it would, in my opinion, lead necessarily to a very great deal of discussion.

Mr. CUMMINS obtained the floor.

Mr. ROOT. May I say one word more?

Mr. CUMMINS. Yes.

Mr. ROOT. If this subject were to be acted upon I should want to have the Senate consider whether the institution ought to be put under the charge of the Department of Commerce and Labor or whether it should not be put under the direction of the Smithsonian Institution, which is really the scientific branch of the Government of the United States.

Mr. CUMMINS. I should much prefer that it should go under the charge of the Smithsonian Institution.

Mr. ROOT. I should think that would be very much to be preferred.

Mr. CUMMINS. While I realize the force of the statements made by the Senator from New York, they are somewhat impaired possibly or the objections are somewhat met by the immediately following statement of the Senator from Massachusetts, in which he said, and said very correctly, that this matter has been before Congress a great many times and in a great many phases; and I assume that most Senators have given the subject some investigation. I do not want to take time just now, but I suppose the consideration of this bill will not be concluded to-day, and I will have my amendment ready to-morrow morning.

Mr. WARREN. I hope it may be concluded to-day.

If the Senator will permit me, in addition to what has been said, this bill provides for certain employees specifically, and there are certain employees that you might say are quasi Naval Observatory and quasi Navy Department proper, and if such a change is to be made there should have been notice before the committee long ago, so that hearings could be had and the financial part of it arranged.

Mr. CUMMINS. I do not think there would be any difficulty about that, and I think the Senator from Wyoming will agree with me, save in one respect. I agree that if my amendments were to prevail, and nothing more were done, it would leave the observatory without a director, the present director being, of course, a naval officer, who receives compensation, I assume, through the ordinary channels of his rank. But I think that could be easily taken care of.

Mr. LODGE. I will say further that the question of separating the Naval Observatory from the Navy Department, is, of course, a subject that pertains to naval affairs, and has always been so recognized. This provides merely for the clerical and astronomical force there, but the Naval Observatory is part of the Naval Establishment, and would have to be dealt with in connection with the Navy. I have never known the change to be proposed on this bill; it has always been on the naval bill.

The PRESIDING OFFICER. The next amendment will be stated.

The next amendment was, on page 92, line 11, before the words "of class 2," to strike out "one" and insert "two," and in line 24, after the words "in all," to strike out "$18,550" and insert "$19,950," so as to make the clause read:

Bureau of Medicine and Surgery: Chief clerk, $2,250; clerks—2 of class 4, 1 of class 3, 2 of class 2, 1 of class 1, 2 at $1,100 each, 3 at $1,000 each; copyist, $840; assistant messenger; laborer; driver for naval dispensary, $600; laborer for naval dispensary, $480; in all, $19,950.

The amendment was agreed to.

The next amendment was, on page 94, after line 12, to strike out:

For the rental of the Mills Building during the fiscal year 1914, $24,500.

And insert:

For the rental of additional quarters for the Navy Department for the fiscal year ending June 30, 1914, $31,200, and the Secretary of the Navy is hereby authorized to enter into contract for the rental of a suitable fireproof building or buildings or parts thereof for the use of the Navy Department for a period of not exceeding 10 years from July 1, 1913, at an annual rental of not exceeding $31,200.

The amount heretofore appropriated for the rental of the Mills Building for the fiscal year ending June 30, 1913, is hereby made available for the rental of the Mills Building or any other building or buildings or parts thereof for the Navy Department for the period from April 1 to June 30, 1913, and the additional sum of $1,675, to be immediately available, is hereby appropriated for the same purpose.

The amendment was agreed to.

The next amendment was, under the head of "Department of the Interior," in the item of appropriation for the maintenance of the office of the Secretary of the Interior, on page 95, line 24, after the words "chief disbursing clerk," to strike out "$2,250" and insert "$2,750"; on page 96, line 3, before the words "of class 3" to strike out "eighteen" and insert "nineteen," so as to read:

Chief disbursing clerk, $2,750; clerk in charge of supplies, $2,250; clerk in charge of mails, files, and archives, $2,250; clerk in charge of publications, $2,250; private secretary to the Secretary, $2,500; clerks—4, at $2,000 each; 13 of class 4, 19 of class 3,

The amendment was agreed to.

The next amendment was, in the item of appropriation for the maintenance of the office of the Secretary of the Interior, on page 96, line 22, after the words "in all," to strike out "$275,570" and insert "$277,670," so as to make the clause read:

Assistant engineer, $1,000; 7 firemen; clerk to sign, under the direction of the Secretary, in his name and for him, his approval of all tribal deeds to allottees and deeds for town lots made and executed according to law for any of the Five Civilized Tribes of Indians in the Indian Territory, $1,200; in all, $277,670.

The amendment was agreed to.

The next amendment was, on page 98, line 4, after the words "chief clerk," to strike out "$2,750" and insert "$3,000"; in line 7, after the figures "$2,000," to insert "chief of division of surveys, $2,750"; in line 8, after the word "division," to strike out "two at $2,400 each" and insert "one at $2,500"; and in line 20, after the words "in all," to strike out "$630,650" and insert "$631,350," so as to make the clause read:

General Land Office: Commissioner, $5,000; assistant commissioner, $3,500; chief clerk, $3,000; chief law clerk, $2,500; 2 law clerks, at $2,200 each; 3 law examiners of surveyors general and district land offices, at $2,000 each; recorder, $2,000; chief of division of surveys, $2,750; chiefs of division—1 at $2,500, 10 at $2,000 each; assistant chief of division, $2,000; law examiners—13 at $2,000 each, 10 at $1,800 each, 18 at $1,600 each; clerks—27 of class 4, 51 of class 3, 74 of class 2, 77 of class 1, 65 at $1,000 each; 65 copyists; 26 copyists, at $720 each; 2 messengers; 10 assistant messengers; messenger boys—10 at $600 each, 6 at $480 each; 6 skilled laborers, who may act as assistant messengers when required, at $660 each; 16 laborers; laborer, $480; packer, $720; depositary acting for the commissioner as receiver of public moneys, $2,000; clerk and librarian, $1,000; in all, $631,350.

The amendment was agreed to.

The next amendment was, on page 100, line 3, after the words "chief clerk," to strike out "$2,250" and insert "$2,750"; in line 6, before the words "of class 4," to strike out "fourteen" and insert "fifteen"; in line 8, before the words "of class 1," to strike out "forty-three" and insert "forty-five"; and in line 11, after the words "in all," to strike out "$231,710" and insert "$236,410," so as to make the clause read:

Indian Office: Commissioner, $5,000; assistant commissioner, $3,500; second assistant commissioner, who shall also perform the duties of chief clerk, $2,750; financial clerk, $2,250; chiefs of division—1 at $2,250, 1 at $2,000; law clerk, $2,000; assistant chief of division, $2,000; private secretary, $1,800; clerks—15 of class 4, 25 of class 3, 24 of class 2, 2 at $1,500 each, 45 of class 1, 23 at $1,000 each; stenographer, $1,000; 29 copyists; messenger; 4 assistant messengers; 4 messenger boys, at $360 each; in all, $236,410.

The amendment was agreed to.

The next amendment was, on page 100, line 15, before the words "of class 4," to strike out "five" and insert "eight"; in the same line, before the words "of class 3," to strike out "four" and insert "seven"; in the same line, before the words "of class 2," to strike out "three" and insert "five"; in line 16, before the words "of class 1," to strike out "twelve" and insert "ten"; in line 23, after the word "one," to insert "Medical field supervision work: Clerk of class 2 (heretofore in the field). Field construction work: Draftsman, $1,600 (heretofore in the field)"; and in line 25, after the words "in all," to strike out "$71,340" and insert "$83,940," so as to make the clause read:

For the following heretofore paid out of annual appropriations provided for in the Indian appropriation act, namely: Allotment work: Expert accountant, $2,000; clerks—8 of class 4, 7 of class 3, 5 of class 2, 10 of class 1, 8 at $1,000 each, 5 at $900 each (formerly copyists). Forestry work: Forester, $3,600; clerks—1 of class 4, 2 of class 1; draftsman, $1,400. Irrigation work: Irrigation engineer, $2,000; examiner of irrigation accounts, $1,800; stenographer, $1,200; draftsman, $1,200. Indian employment: Clerk of class 2; 2 junior clerks, at $720 each. Indexing old files: Three clerks of class 1. Medical field supervision work: Clerk of class 2 (heretofore in the field). Field construction work: Draftsman, $1,600 (heretofore in the field). In all, $83,940.

The amendment was agreed to.

The next amendment was, on page 101, line 5, after the word "each," to insert "chief of finance division, $2,250"; in line 6, before the word "chief," to strike out "eight" and insert "seven"; and in line 22, after the words "in all," to strike out "$1,478,100" and insert "$1,478,350," so as to make the clause read:

Pension Office: Commissioner, $5,000; deputy commissioner, $3,600; chief clerk, $2,500; assistant chief clerk, $2,000; medical referee, $3,000; assistant medical referee, $2,250; 2 qualified surgeons, at $2,000 each; 15 medical examiners, at $1,800 each; chief of finance division, $2,250; 7 chiefs of division, at $2,000 each; law clerk, $2,250; chief of board of review, $2,250; 57 principal examiners, at $2,000 each; private secretary, to be selected and appointed by the Commissioner of Pensions, $2,000; 16 assistant chiefs of division, at $1,800 each; 3 stenographers, at $1,600 each; clerks—95 of class 4, 100 of class 3, 275 of class 2, 295 of class 1, 65 at $1,000 each; 30 copyists; 27 messengers; 12 assistant messengers; 17 skilled laborers, at $660 each; 20 messenger boys, at $400 each; superintendent of building, $1,400; 23 laborers; 10 female laborers, at $400 each; 15 charwomen; painter, and cabinetmaker, skilled in their trades, at $900 each; captain of the watch, $840; 3 sergeants of the watch, at $750 each; 20 watchmen; engineer, $1,200; 2 firemen; in all, $1,478,350.

The amendment was agreed to.

The next amendment was, on page 103, line 9, after the word "commissioner," to strike out "$3,500" and insert "$4,000"; in line 12, after the word "each," to strike out "examiner of interferences, $2,700" and insert "two examiners of interferences, at $2,700 each"; and in line 15, before the word "six," to insert "examiner of trade-marks and designs, $2,400," so as to read:

Patent Office: Commissioner, $5,000; first assistant commissioner, who shall perform such duties pertaining to the office of commissioner as may be assigned to him by the commissioner, $4,500; assistant commissioner, who shall perform such duties pertaining to the office of commissioner as may be assigned to him by the commissioner, $4,000; chief clerk, who shall be qualified to act as principal examiner, $3,000; 2 law examiners, at $2,750 each; 3 examiners in chief, at $3,500 each; 2 examiners of interferences, at $2,700 each; examiner of trade-marks and designs, $2,700; examiner of trade-marks and designs, $2,400.

The amendment was agreed to.

The next amendment was, in the item of appropriation for the maintenance of the Patent Office, on page 104, line 9, after the words "in all," to strike out "$1,311,010" and insert "$1,316,610," so as to read:

Ninety copyists; 50 copyists, at $720 each; 4 messengers; 25 assistant messengers; 14 laborers, at $600 each; 45 laborers, at $480 each; 40 messenger boys, at $360 each; in all, $1,316,610.

The amendment was agreed to.

The next amendment was, on page 105, after line 16, to insert:

For necessary traveling expenses of the commissioner and employees acting under his direction, $1,500.

The amendment was agreed to.

The next amendment was, on page 106, line 7, after the word "same," to strike out "$2,400" and insert "$2,500," so as to make the clause read:

For the purchase, distribution, and exchange of educational documents, and for the collection, exchange, and cataloguing of educational apparatus and appliances, textbooks, and educational reference books, articles of school furniture and models of school buildings illustrative of foreign and domestic systems and methods of education, and for repairing the same, $2,500.

The amendment was agreed to.

The next amendment was, on page 106, line 11, after the word "each," to strike out "clerk, $1,600; stenographer and typewriter, $1,000," and insert "2 clerks at $1,200 each"; in line 20, after the word "accountant," to strike out "$1,800" and insert "$2,200"; in the same line, before the words "in all," to strike out "stenographer, $720," and, in the same line, after the words "in all," to strike out "$30,480" and insert "$29,960," so as to make the clause read:

Office of the Superintendent of the Capitol Building and Grounds: Superintendent, $6,000; chief clerk, $2,000; chief electrical engineer, $3,000; civil engineer, $2,400; 2 draftsmen, at $1,200 each; 2 clerks, at $1,200 each; compensation to disbursing clerk, $1,000; messenger; person in charge of the heating of the Supreme Court and

central portion of the Capitol, $1,000; laborer in charge of water-closets in central portion of the Capitol, $660; 7 laborers for cleaning Rotunda, corridors, Dome, and old library portion of Capitol, at $660 each; 2 laborers in charge of public closets of the House of Representatives and in the terrace, at $720 each; bookkeeper and accountant, $2,200; in all, $29,960.

The amendment was agreed to.

The next amendment was, on page 108, line 16, after the words "Geological Survey," to strike out "$32,900" and insert "$37,400"; in line 17, before the words "in all," to strike out "Bureau of Mines, $10,000," and in the same line, after the words "in all," to strike out "$59,775" and insert "$54,275," so as to make the clause read:

For rent of buildings for the Department of the Interior: Geological Survey, $37,400; Civil Service Commission, $16,875; in all, $54,275.

The amendment was agreed to.

The next amendment was, on page 108, after line 18, to insert:

For rent of building for the Bureau of Mines, $12,000.

The amendment was agreed to.

The next amendment was, on page 108, after line 19, to insert:

For dismantling and removing chemical laboratories, equipment, and office furniture from the offices now occupied by the Bureau of Mines and for reinstalling the laboratories in the offices of the Bureau of Mines, with fixtures, including laboratory plumbing, sinks, hoods, coal sampling and crushing machinery, and the necessary connection with the central heating and power plant of the Interior Department, $2,000, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 109, after line 2, to insert:

For rent for the Bureau of Mines for the months of March, April, May, and June, 1913, to be immediately available, $3,333.34: *Provided*, That the unexpended balance of the sum of $10,000 appropriated for rent for the Bureau of Mines for the fiscal year 1913 is hereby made available within said year for the payment of rent of any building designated by the Secretary of the Interior.

The amendment was agreed to.

The next amendment was, under the subhead "surveyors general and their clerks," on page 109, line 22, before the words "of Alaska," to strike out "District" and insert "Territory"; in the same line, after the word "office," to strike out "$7,000" and insert "$11,000"; and in line 23, after the words "in all," to strike out "$11,000" and insert "$15,000," so as to make the clause read:

For surveyor general and ex officio secretary of the Territory of Alaska, $4,000; clerks in his office, $11,000; in all, $15,000.

The amendment was agreed to.

The next amendment was, on page 110, line 3, after the word "typewriters," to strike out "$2,500" and insert "$3,205," so as to make the clause read:

For rent of offices for surveyor general, pay of messenger, stationery, printing, binding, drafting instruments, typewriters, books of reference for office use, furniture, fuel, lights, and other incidental expenses, including the exchange of typewriters, $3,205.

The amendment was agreed to.

The next amendment was, on page 110, line 12, after the word "office," to strike out "$11,400" and insert "$12,000," and, in the same line, after the words "in all," to strike out "$14,400" and insert "$15,000," so as to make the clause read:

For surveyor general of California, $3,000; clerks in his office, $12,000; in all, $15,000.

The amendment was agreed to.

The next amendment was, on page 110, line 19, after the word "office," to strike out "$22,000" and insert "$23,590," and, in the same line, after the words "in all," to strike out "$25,000" and insert "$26,590," so as to make the clause read:

For surveyor general of Colorado, $3,000; clerks in his office, $23,590; in all, $26,590.

The amendment was agreed to.

The next amendment was, on page 111, line 4, after the word "office," to strike out "$16,000" and insert "$17,500," and, in the same line, after the words "in all," to strike out "$19,000" and insert "$20,500," so as to make the clause read:

For surveyor general of Idaho, $3,000; clerks in his office, $17,500; in all, $20,500.

The amendment was agreed to.

The next amendment was, on page 111, line 17, after the word "office," to strike out "$8,000" and insert "$11,400," and, in the same line, after the words "in all," to strike out "$11,000" and insert "$14,400," so as to make the clause read:

For surveyor general of Nevada, $3,000; clerks in his office, $11,400; in all, $14,400.

The amendment was agreed to.

The next amendment was, on page 111, line 23, after the word "office," to strike out "$15,500" and insert "$18,100," and, in the same line, after the words "in all," to strike out "$18,500" and insert "$21,100," so as to make the clause read:

For surveyor general of New Mexico, $3,000; clerks in his office, $18,100; in all, $21,100.

The amendment was agreed to.

The next amendment was, on page 112, line 8, after the word "typewriters," to strike out "$900" and insert "$1,000," so as to make the clause read:

For stationery, telephone, towels, binding, post-office box rent, books of reference for office use, and other incidental expenses, including the exchange of typewriters, $1,000.

The amendment was agreed to.

The next amendment was, on page 112, after line 9, to insert:

For surveyor general of South Dakota, $2,000; clerks in his office, $5,000; in all, $7,000.

For rent of office for the surveyor general, pay of messenger, stationery supplies, drafting instruments, fuel, ice, binding records, post-office box rent, telegrams, registration of letters, towels, furniture and typewriter repairs, books of reference for office use, and other incidental expenses, including the exchange of typewriters, $800.

The amendment was agreed to.

The next amendment was, on page 112, line 19, after the word "office," to strike out "$14,000" and insert "$20,200," and, in the same line, after the words "in all," to strike out "$17,000" and insert "$23,200," so as to make the clause read:

For surveyor general of Utah, $3,000; clerks in his office, $20,200; in all, $23,200.

The amendment was agreed to.

The next amendment was, on page 113, line 8, after the word "office," to strike out "$17,000" and insert "$22,300," and, in the same line, after the words "in all," to strike out "$20,000" and insert "$25,300," so as to make the clause read:

For surveyor general of Wyoming, $3,000, and for the clerks in his office, $22,300; in all, $25,300.

The amendment was agreed to.

The next amendment was, under the head of "Post Office Department," on page 113, line 25, after the words "disbursing clerk," to strike out "$2,250" and insert "$2,500," and, on page 114, line 2, after the words "assistant to chief clerk," to strike out "$2,000" and insert "$2,250," so as to read:

Office Postmaster General: Postmaster General, $12,000; chief clerk, including $500 as superintendent of Post Office Department buildings, $4,000; private secretary, $2,500; disbursing clerk, $2,500; bookkeeper and accountant, $1,800; 2 stenographers, at $1,600 each; appointment clerk, $2,000; clerk, assistant to chief clerk, $2,250.

The amendment was agreed to.

The next amendment was, in the item of appropriation for the maintenance of the office of the Postmaster General, on page 114, line 20, after the words "in all," to strike out "$187,950" and insert "$188,450," so as to read:

Female laborers—1 $540, 3 at $500 each, 3 at $480 each; 45 charwomen; in all, $188,450.

The amendment was agreed to.

The next amendment was, on page 119, line 6, after the word "envelopes," to strike out "$20,000" and insert "$40,000," so as to make the clause read:

Contingent expenses, Post Office Department: For stationery and blank books, index and guide cards, folders, and binding devices, including amount necessary for the purchase of free penalty envelopes, $40,000.

The amendment was agreed to.

The next amendment was, on page 119, line 9, after the word "ashes," to strike out "$35,000" and insert "$40,000," so as to make the clause read:

For fuel and repairs to heating, lighting, and power plant, including repairs to elevators, purchase and exchange of tools, and electrical supplies, and removal of ashes, $40,000.

The amendment was agreed to.

The next amendment was, on page 119, line 12, after the word "telegraphing," to strike out "$4,000" and insert "$5,000," so as to make the clause read:

For telegraphing, $5,000.

The amendment was agreed to.

The next amendment was, on page 119, line 23, after the words "Universal Postal Union," to strike out "$20,000" and insert "$35,000," so as to read:

For miscellaneous items, including the purchase, exchange, and repair of typewriters, adding machines, and other labor-saving devices; street car tickets not exceeding $200; plumbing, floor covering; postage stamps for correspondence addressed abroad which is not exempt under article 11 of the Rome convention of the Universal Postal Union, $35,000.

Mr. WARREN. I offer the following committee amendment to the amendment.

The SECRETARY. On page 119, line 24, after the word "Union," insert:

The reimbursement of the Secretary of the Treasury for expenses incident to the preparation, issue, and registration of the bonds authorized by the act of June 25, 1910.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 120, line 5, after the word "cabinets," to strike out "$5,000" and insert "$8,000," so as to make the clause read:

For furniture and filing cabinets, $8,000.

The amendment was agreed to.

The next amendment was, on page 120, line 7, after the words "Post Office Department," to strike out "$3,000" and insert "$4,000," so as to make the clause read:

For rent of a suitable building for storage of the files of the Post Office Department, $4,000.

The amendment was agreed to.

The next amendment was, on page 120, line 11, after the words "executive departments," to strike out "$24,000" and insert "$25,000," so as to make the clause read:

For the publication of copies of the Official Postal Guide, including not exceeding 3,000 copies for the use of the executive departments, $25,000.

The amendment was agreed to.

The next amendment was, under the head of "Department of Justice," in the item of appropriation for the maintenance of the office of the Attorney General, on page 122, line 10, before the words "of class 4," to strike out "seven" and insert "eight"; in the same line, before the words "of class 3," to strike out "eleven" and insert "ten"; in line 11, before the words "of class 1," to strike out "fifteen" and insert "sixteen"; in line 12, before the words "at $900 each," to strike out "twenty-one" and insert "twenty"; in line 19, before the figures "$2,500," to strike out "examiner" and insert "administrative accountant"; in line 20, before the words "of class 4," to strike out "four" and insert "three"; in line 21, before the words "of class 3," to strike out "five" and insert "six"; in the same line, before the words "of class 1," to strike out "six" and insert "five"; and in line 22, before the words "at $900 each," to strike out "two" and insert "three," so as to read:

Clerks—8 of class 4, 10 of class 3, 7 of class 2, 16 of class 1, 14 at $1,000 each, 20 at $900 each; chief messenger, $1,000; packer, $900; messenger, $960; 5 messengers; 13 assistant messengers; 7 laborers; 7 watchmen; engineer, $1,200; 2 assistant engineers, at $900 each; 4 firemen; 2 conductors of the elevator, at $720 each; head charwoman, $480; 22 charwomen. Division of Accounts: Chief of Division of Accounts, $2,500; administrative accountant, $2,500; chief bookkeeper and record clerk, $2,000; clerks—3 of class 4, 6 of class 3, 6 of class 2, 5 of class 1, 3 at $900 each; in all, $424,610.

The amendment was agreed to.

Mr. WARREN. I offer a committee amendment, returning to page 37, as follows:

The SECRETARY. On page 37, line 19, after "$2,500," insert "executive clerk, $2,500."

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, under the head of "Department of Commerce and Labor," on page 128, line 8, after the figures "$711,240," to insert: "*Provided*, That the limitation placed upon the number of temporary clerks authorized in the Bureau of the Census for the fiscal year ending June 30, 1913, in the legislative, executive, and judicial act for said fiscal year, approved August 23, 1912, is hereby removed, and nothing herein contained shall be construed as increasing the appropriation made for temporary clerks in the above-named act."

The amendment was agreed to.

The next amendment was, on page 130, line 2, after the word "supplies," to strike out "$10,000" and insert "$20,000," so as to make the clause read:

For experimental work in developing tabulating machines and repairs to such machinery and other mechanical appliances, including technical and mechanical service in connection therewith, whether performed in Washington, D. C., or elsewhere, and the purchase of necessary machinery and supplies, $20,000.

The amendment was agreed to.

The next amendment was, on page 133, line 7, after the figures "$600," to insert "at Honolulu, $1,200; at Mobile, $1,200," and in line 12, after the words "in all," to strike out "$29,500" and insert "$31,900," so as to make the clause read:

Shipping service: For salaries of shipping commissioners in amounts not exceeding the following: At Baltimore, $1,200; at Bath, $1,000; at Boston, $3,000; at Gloucester, $600; at Honolulu, $1,200; at Mobile, $1,200; at New Bedford, $1,200; at New Orleans, $1,500; at New York, $5,000; at Norfolk, $1,500; at Pascagoula, $300; at Philadelphia, $2,400; at Portland, Me., $1,300; at Port Townsend, $3,500; at Providence, $1,800; at Rockland, $1,200; at San Francisco, $4,000; in all, $31,900.

The amendment was agreed to.

The next amendment was, on page 134, line 3, after the word "expenses," to strike out "$3,000" and insert "$3,500, to be immediately available," so as to make the clause read:

To enable the Commissioner of Navigation to secure uniformity in the admeasurement of vessels, including the employment of an adjuster of admeasurements at a salary not to exceed $2,100, purchase and exchange of admeasuring instruments, traveling and incidental expenses, $3,500, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 135, line 14, before the words "of class 3," to strike out "eight" and insert "nine"; in the same line, before the words "of class 2," to strike out "ten" and insert "twelve"; in line 15, before the words "of class 1," to strike out "eleven" and insert "fifteen"; in the same line, before the words "at $1,000 each," to strike out "eight" and insert "ten"; and in line 17, after the words "in all," to strike out "$68,060" and insert "$79,260," so as to make the clause read:

For the purpose of carrying into effect the provisions of the act approved June 29, 1906, entitled "An act to establish a Bureau of Immigration and Naturalization, and to provide for a uniform rule for the naturalization of aliens throughout the United States," namely: Chief of Division of Naturalization, $3,500; assistant chief of division, $3,000; clerks—5 of class 4, 9 of class 3, 12 of class 2, 15 of class 1, 10 at $1,000 each, 2 at $900 each; messenger; 2 assistant messengers; messenger boy, $480; in all, $79,260.

The amendment was agreed to.

The next amendment was, in the item of appropriation for the maintenance of the Bureau of Standards, on page 136, line 14, after the word "librarian," to strike out "$1,400" and insert "$1,600," so as to make the clause read:

Bureau of Standards: Director, $6,000; physicists—chief, $4,800, 1 qualified in optics, $3,600, 2 at $3,600 each, 1 $3,000; associate physicists—3 at $2,700 each, 4 at $2,500 each, 4 at $2,200 each, 5 at $2,000 each; assistant physicists—9 at $1,800 each, 11 at $1,600 each, 14 at $1,400 each; chief chemist, $4,800; chemist, $3,500; associate chemists—1 $2,700, 2 at $2,500 each, 1 $2,200, 1 $2,000; assistant chemists—2 at $1,800 each, 3 at $1,600 each, 2 at $1,400 each; laboratory assistants—16 at $1,200 each, 13 at $1,000 each; 13 at $900 each; laboratory helpers—1 $840, 3 at $720 each; aids—10 at $720 each, 7 at $600 each; laboratory apprentices—6 at $540 each, 6 at $480 each; storekeeper, $1,000; librarian, $1,600.

The amendment was agreed to.

The next amendment was, on page 137, line 2, after the word "firemen," to strike out "two glass blowers, at $1,400 each" and insert "glass blower, $1,400; glassworker, $1,400," and in line 6, after the words "in all," to strike out "$290,740" and insert "$290,940," so as to make the clause read:

Pipe fitter, $1,000; 4 firemen; glass blower, $1,400; glassworker, $1,400; electricians—1 $1,200, 1 $900; 6 laborers; janitors—2 at $660 each, 1 $600; 2 female laborers, at $360 each; in all, $290,940.

The amendment was agreed to.

The next amendment was, on page 139, line 19, after the figures "$25,000," to insert "to be immediately available," so as to make the clause read:

For the purchase of storage batteries, transformers, switchboards, and other necessary equipment of the new electrical laboratory, $25,000, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 140, line 22, after the words "amounting to," to strike out "$66,500" and insert "$68,500," so as to make the clause read:

Contingent expenses, Department of Commerce and Labor: For contingent and miscellaneous expenses, * * * $68,500.

The amendment was agreed to.

The next amendment was, in the item of appropriation for contingent expenses, Department of Commerce and Labor, on page 141, line 14, before the word "expenses," to insert "enforcement of wireless-communication laws, $2,000," and in line 18, after the words "sum of," to strike out "$126,500" and insert "$128,500," so as to make the clause read:

Steamboat-Inspection Service, $3,000; contingent expenses, shipping service, $500; instruments for measuring vessels and counting passengers, $500; enforcement of wireless-communication laws, $2,000; expenses of regulating immigration, $13,500; equipment, Bureau of Standards, $1,000; general expenses, Bureau of Standards, $1,800; general expenses, Coast and Geodetic Survey, $4,200; miscellaneous expenses, Bureau of Fisheries, $8,500; and the said total sum of $128,500 shall be and constitute the appropriation for contingent expenses, Department of Commerce and Labor, etc.

The amendment was agreed to.

The next amendment was, on page 142, after line 3, to insert:

The accounting officers of the Treasury are hereby authorized and directed to credit in the accounts of William L. Soleau, former disbursing clerk, Department of Commerce and Labor, the sum of $99.63, disallowed by the Auditor for the State and Other Departments.

The amendment was agreed to.

The next amendment was, on page 144, after line 11, to insert:

Commerce Court: For the Commerce Court, from March 5 to June 30, 1913, both dates inclusive, namely: Clerk, at the rate of $4,000 per annum; deputy clerk, at the rate of $2,500 per annum; marshal, at the rate of $3,000 per annum; deputy marshal, at the rate of $2,500 per annum; for rent of necessary quarters in Washington, D. C., and elsewhere, and furnishing same for the Commerce Court; for books, periodicals, stationery, printing, and binding; for pay of bailiffs and all other necessary employees at the seat of government and elsewhere, not otherwise specifically provided for, and for such other miscellaneous expenses as may be approved by the presiding judge, $16,111.11; in all, $19,977.78, to be immediately available.

Mr. DIXON. Mr. President——

Mr. WARREN. If the Senator will permit, perhaps we had better finish the remainder of the bill, if it is agreeable to the Senator, and then return to this amendment.

Mr. DIXON. I want to make a motion to strike out the item concerning the Commerce Court on page 144.

Mr. WARREN. Let us pass it for the time being.

Mr. GALLINGER. Yes; let us complete the remainder of the bill.

The PRESIDING OFFICER. Is it agreed that the pending amendment shall be passed over?

Mr. WARREN. Pass it over for a moment, and let us finish the rest of the bill.

The next amendment of the Committee on Appropriations was, on page 145, line 18, after the word "bailiff," to strike out "$1,500" and insert "$1,800"; in line 19, before the words "at $1,400 each," to strike out "two" and insert "three"; in the same line, before the words "at $1,200 each," to strike out "three" and insert "two"; and in line 22, after the words "in all," to strike out "$56,480" and insert "$56,980," so as to make the clause read:

Court of Claims: Chief justice, $6,500; 4 judges, at $6,000 each; chief clerk, $3,500; assistant clerk, $2,500; bailiff, $1,800; clerks—1 at $1,600, 3 at $1,400 each, 2 at $1,200 each; stenographer, $1,200; chief messenger, $1,000; 3 firemen; 3 watchmen; elevator conductor, $720; 2 assistant messengers; 2 laborers; 2 charwomen; in all, $56,980.

The amendment was agreed to.

The next amendment was, on page 146, line 2, after the word "court," to strike out "$6,000" and insert "$8,000," so as to make the clause read:

For auditors and additional stenographers, when deemed necessary, in the Court of Claims, and for a stenographer, at $1,600, for the chief justice, to be disbursed under the direction of the court, $8,000.

The amendment was agreed to.

The next amendment was, at the top of page 148, to add as a new section the following:

SEC. 5. That in the event of reductions being made in any force employed under the civil service or in any of the executive departments no honorably discharged soldier, sailor, or marine whose record is rated good shall be discharged or dropped or reduced in rank or salary. Any person knowingly violating the provisions of this section shall be summarily removed from office and may also upon conviction thereof be punished by a fine of not more than $1,000 or by imprisonment for not more than one year.

Mr. BORAH obtained the floor.

Mr. POMERENE. Mr. President——

Mr. BORAH. I yield to the Senator from Ohio.

Mr. POMERENE. I wish to offer an amendment to this section.

Mr. BORAH. Will the Senator withhold it for a moment until I make an inquiry about the matter?

Mr. POMERENE. Certainly.

Mr. BORAH. I see that this section 5 covers all honorably discharged soldiers, sailors, or marines. Under that section, I suppose, whether a person had ever seen any service or not, he would come under this rule.

Mr. WARREN. If he had made record service and had been honorably discharged. If the Senator will permit me, in the last bill, when we were arranging civil-service changes, providing for an efficiency board, we incorporated in that provision a similar clause to this in relation to the District of Columbia, and that is the only place where that particular provision prevails—that no honorably discharged soldier who has a good record shall be dropped. This carries those outside the District and puts them on the same footing.

Mr. OWEN. Mr. President——

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

Mr. BORAH. I yield.

Mr. OWEN. I rise to make a point of order against section 5, on page 148. It is legislation not properly upon an appropriation bill. Senators who are not present in the Chamber have a right to rely upon the integrity of the rules of the Senate that new legislation shall not go on appropriation bills. I do not think it a wise practice to have this done, and I make a point of order against the section for that reason.

Mr. WARREN. Perhaps the Senator will withhold the point of order until the Senator from Ohio can be heard.

Mr. OWEN. The Senator from Ohio proposes to offer an amendment to this section, which would not in any way obviate the point of order. I will yield, of course.

Mr. POMERENE. I have no objection to stating the amendment which I propose to offer. The Senator from Idaho, by his question, evidently had in mind just what I had in mind at the time of the preparation of this proposed amendment.

Under this section, as it appears, no honorably discharged soldier, sailor, or marine could be dropped from the service.

Mr. GALLINGER. If he has a good record.

Mr. POMERENE. I can understand why there should be some favor given to a soldier who has seen actual service either during the Civil War or during the War with Spain, but if it is some soldier who enlisted and has been in camp for three or four years, and should later be discharged from that service honorably and get under the civil service, and he is to be preferred to other men who are engaged under the civil service, I do not think we should extend that privilege that length.

Mr WARREN. I have only to say, Mr. President, that this was inserted here with the idea that it was only fair to treat those outside of Washington as we treated those within the District. I should not object, if the point of order was withdrawn, to such an amendment as the Senator proposes, and perhaps indicated by the Senator from Idaho; but the only intention of the committee was to have the same privilege given to those who might be on the register or be employed by the United States outside the District as those inside the District of Columbia.

Mr. SMITH of Georgia. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Georgia?

Mr. POMERENE. I do.

Mr. SMITH of Georgia. I do not understand that the Senator from Oklahoma has withdrawn the point of order, but if he did I renew it. I am opposed to any such special privilege anywhere.

The PRESIDING OFFICER. The Chair understood that the Senator from Oklahoma yielded to the Senator from Ohio to make a suggestion after the point of order was raised, and he did not withdraw it.

Mr. SMITH of Georgia. I want to state that I am opposed to any such privilege being given anywhere. Believing that it is improper here in the District, I am opposed to enlarging it to places outside of the District. I have never heretofore pressed that view, because so large a number of those who are deriving the benefit were soldiers of the Civil War, and I have always been willing to yield somewhat my general convictions in their interest, but now the Spanish-American War is included; all soldiers are included. I think that service in the Army and in the Navy also ought to be treated as a distinct proposition, and we ought not to burden our general service with men who are not entirely competent or keep them because they have done something somewhere else. I think the departments and all the public service are entitled to men of the highest efficiency, and they should remain in office on account of their efficiency, and for that reason only.

Mr. SUTHERLAND. If the point of order which was made is insisted upon, I suppose that those of us who are in favor of this proposition are helpless, but I call attention to the fact that we had exactly the same provision in the legislative appropriation act which passed less than a year ago. However, it is in the shape of a proviso to a section which deals only with the District of Columbia. My understanding is that it was the belief at that time that this proviso would apply to all parts of the country and to all persons employed in the executive departments. The provision is found in section 4 of the legislative appropriation act at page 413 of the last session laws. That section provides that—

The Civil Service Commission shall, subject to the approval of the President, establish a system of efficiency ratings for the classified service in the several executive departments in the District of Columbia—

And so on. Then follows the proviso:

*Provided*, That in the event of reductions being made in the force in any of the executive departments no honorably discharged soldier or sailor whose record in said department is rated good shall be discharged or dropped or reduced in rank or salary.

So the language of that proviso is identical with the suggested amendment that is now under discussion. The Senator from Kansas [Mr. BRISTOW] says to me that there is something added, but on page 414 the law continues:

That any person violating section 4, etc., shall be summarily removed from office, and may also, upon conviction thereof, be punished by a fine—

And so on. It is the same thing.

Mr. President, as I said, I understand it was the understanding in putting this proviso in that it should apply to all the executive departments of the Government and to soldiers and sailors and marines wherever employed in those executive departments. But because it is in the form of a proviso the well-known rule of construction steps in, which is that a proviso is a mere limitation upon the main section of which it is a proviso, and therefore it can not have the wide scope it would have as an independent provision of law.

This amendment simply seeks to put in the law what it was the intention to put into the law in the legislative appropriation act of last year.

I very much hope the Senator from Oklahoma will see his way clear not to insist upon the point of order.

The Senator from Georgia has said that we ought not to make classes of this kind, but it has been the policy of the Government from the very beginning to make classifications of this very description. We are acting upon similar provisions all the time. Our laws provide that the ex-soldier shall be preferred in appointments under the civil service. This simply carries the proposition one step further and prevents an ex-soldier who has been appointed from being discharged. But the Government is amply protected, because the provision is that he shall be rated good in the department. If he has fallen below the standard, then, of course, he is amenable to the provisions of law which would authorize his dismissal.

Mr. SMITH of Georgia. Let me ask the Senator a question.

The PRESIDING OFFICER. The Chair understands that debate is proceeding by unanimous consent. Under the rule it is not debatable.

Mr. SMITH of Georgia. Suppose a soldier of the Spanish-American War had an $1,800 clerkship and was rated good, and lower down in the same service there is a clerk at $1,200 who is rated very good. There is a clerk, then, receiving a good deal less pay and doing a good deal better service, and simply because the $1,800 clerk had been in the Spanish-American War proficiency is not the test of his payment but something else is. That will be the practical effect of this rule. It is demoralizing to the effort to bring up the standard of proficiency.

Mr. SUTHERLAND. If the Senator will permit me to answer, the practical effect would be that the $1,200 clerk would not be prevented from being advanced if his record justified it, but the ex-soldier clerk who is receiving $1,800 would not be demoted if his record was good.

Mr. SMITH of Georgia. No; the appropriation bill fixes the number of $1,800 clerks, the number of $1,600 clerks, and $1,400 clerks, and $1,200 clerks, and he stands there at $1,800 without another $1,800 clerkship open, to the exclusion of the more proficient clerk in the same line or perhaps in the same office.

Mr. SUTHERLAND. It does exactly what I said. It will not interfere with the promotion if there is a place.

Mr. SMITH of Georgia. Oh, yes.

Mr. SUTHERLAND. If there is a place it will not interfere with the clerks of lower grade, but it will prevent the demotion of a clerk who occupies a place in that grade.

Mr. SMITH of Georgia. He occupies the place to the exclusion of one who is rendering better service to the Government.

Mr. SUTHERLAND. It will prevent his being supplanted by a clerk occupying a lower place, if the ex-soldier is rated good. Personally I am in favor of that sort of legislation. I am in favor of the provisions of law which are now upon the statute books, which permit a discrimination in favor of the ex-soldier.

Mr. ASHURST. Mr. President, I wish to make a parliamentary inquiry. I will inquire, if debate is in order, upon the merits.

The PRESIDING OFFICER. It is not; and the Chair has stated that this debate is proceeding by unanimous consent.

Mr. ASHURST. Then, under the rules, debate is not in order.

The PRESIDING OFFICER. Debate is not in order.

Mr. GALLINGER. It is in the hands of the Chair to permit debate or not, as the Chair sees fit.

The PRESIDING OFFICER. The Chair rules that the point of order made by the Senator from Oklahoma is well taken and that the amendment is not in order. The next amendment will be stated.

The next amendment was, on page 148, after line 9, to add as a new section the following:

SEC. 5. That section 8 of the District of Columbia appropriation act, approved June 26, 1912, shall not take effect or be operative during the fiscal year 1914 except to the extent that it prohibits the payment of membership fees or dues in societies or associations: *Provided*, That during the fiscal year 1914 expenses of attendance of officers or employees of the Government at any meeting or convention of members of any society or association shall be incurred only on the written authority and direction of the heads of executive departments or other Government establishments or the government of the District of Columbia; and a detailed statement of all such expenses incurred from June 30 until December 1, 1913, shall be submitted to Congress on or before January 1, 1914.

Mr. CRAWFORD. I simply wish to inquire what that language means. To one not acquainted with its purposes it is not clear.

Mr. WARREN. It will take but a moment to explain it. In the closing hours of the consideration of the District of Columbia appropriation bill last year there was a section inserted which was intended to remedy an acknowledged evil, that too much money was expended for the employees of different departments in traveling to meetings of associations, and so forth. It was, of course, supposed to be in the interest of the Government, but the conditions were made so drastic that the board of health, the Surgeon General, and others were prohibited from entering into any of these meetings or obtaining the benefit of the associations. So every department, I think, without exception, appealed to us, and in one bill and another—in the Agricultural appropriation bill and the others—in the last session we attempted to fix it.

When we got through the different bills they represented different privileges to different departments. So the committee on the House side put a provision like this one in the sundry civil bill. It was about the last measure enacted, and they put in this general provision, which would not only serve to remedy the evil, but would yet leave elasticity enough so that on the written order of a head of a department they could go to certain of these association meetings. But they are debarred from paying club or association fees, and so on.

It is merely continuing what was in the sundry civil appropriation act last year and is now current law.

Mr. OWEN. Mr. President, I feel constrained to make a point of order against this item. It is general legislation and changes existing law. I do not think it ought to go on the appropriation bill. I am very sorry not to be able to agree to it, but I do not think it should go on this appropriation bill.

Mr. WARREN. It does not change existing law. It simply continues law as everything in this appropriation bill does. It is word for word a continuation of the present law for the next fiscal year.

Mr. OWEN. It expressly changes existing law in its own language, that section 8 shall not take effect, and so on.

Mr. WARREN. But section 8 was repealed last year in the bill and this simply extends it the same as an appropriation of money would be extended.

Mr. GALLINGER. Mr. President, if the Senator will permit me, I desire to make only one observation about this matter. The original provision was on the District of Columbia appropriation bill, placed there against my judgment, and I think it was altogether too sweeping. It has worked a detriment to the service of the Government. It was put there under a misapprehension. As a matter of fact, it was intended to cure a small evil and it brought great harm.

Mr. WARREN. May I interrupt the Senator?

Mr. GALLINGER. Certainly.

Mr. WARREN. The same interest that insisted upon putting it in, later assented to this proposition and was glad to have it go in the bill.

Mr. GALLINGER. Mr. President, in the last bill corresponding to this one this provision was inserted. I think it was unfortunate that the word "hereafter" had not been put in the provision, because then it would have made it law. This is simply a continuation of the law that we enacted in the last legislative appropriation act.

While it is general legislation, I do hope the Senator from Oklahoma will withdraw his point of order. It affects the health service and many other departments of the Government, that really ought to be permitted to send a representative to a convention where he is expected to learn very much for the welfare of the people of the country.

Of course if the issue is to be made that no general legislation is to be permitted on appropriation bills, I think there will be some harm done in the future, because there are times, we have all learned, when it is the only way we can legislate to cure something that needs immediate attention. A bill can be introduced for this purpose, and possibly we might get it through Congress in one, two, or three years, but in the meantime harm is being done to the public good.

Mr. OWEN. I withdraw the point of order.

Mr. GALLINGER. I thank the Senator.

Mr. OWEN. I only wanted to emphasize upon the attention of the Senate the fact that appropriation bills shall not be made the vehicle for legislation. I realize that this provision has some value, and I do not insist upon the point of order.

Mr. GALLINGER. The Senator is right in his contention in a general way. I thank the Senator for withdrawing the point of order.

Mr. WARREN. Mr. President, I wish to say that I have no interest in this whatever, except an interest in the good of the service, and, as the Senator knows, it would not have gone into

effect until the 1st of July, when the Senator's party will be in charge. I agree with him that legislation ought not be put in appropriation bills. In this case it was merely to cure a fault of earlier legislation.

The PRESIDING OFFICER. The Chair understands that the point of order is withdrawn. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. DIXON. I ask the Senate to return to the amendment on page 144.

The PRESIDING OFFICER. The amendment on page 144 will be read.

The SECRETARY. On page 144, after line 11, the Committee on Appropriations reported to insert:

Commerce Court: For the Commerce Court, from March 5 to June 30, 1913, both dates inclusive, namely: Clerk, at the rate of $4,000 per annum; deputy clerk, at the rate of $2,500 per annum; marshal, at the rate of $3,000 per annum; deputy marshal, at the rate of $2,500 per annum; for rent of necessary quarters in Washington, D. C., and elsewhere, and furnishing same for the Commerce Court; for books, periodicals, stationery, printing, and binding; for pay of bailiffs and all other necessary employees at the seat of government and elsewhere, not otherwise specifically provided for, and for such other miscellaneous expenses as may be approved by the presiding judge, $16,111.11; in all, $19,977.78, to be immediately available.

Mr. DIXON. Mr. President, it was the understanding, I think, of practically every Member of the House and Senate and the understanding with the country at large that after the series of events regarding appropriations for the Commerce Court transpired last year the Commerce Court would, in effect, go out of business on March 4.

Now, this is an effort—and we might as well understand it—to rejuvenate and give new life to the Commerce Court, which, as I said, everyone supposed was going out of business on the 4th day of March, with the close of the present administration. The present appropriation included here calls for about $20,000 to carry it on to the 1st day of July. The original amendment, as reported by the subcommittee, not only carried it to the 1st of July, but appropriated for the full year of 1914. That went out in committee.

If the pending amendment is adopted it merely means another continuation of the lease of life of the Commerce Court. If it is not adopted it means that on the 4th day of March the Commerce Court comes to an end for lack of an appropriation.

The argument was made in committee, and it will be made here on the floor of the Senate, that we should appropriate for the Commerce Court up to the 1st day of July in order to allow it to wind up its business properly. I doubt whether that argument can be really sustained. I doubt seriously whether that is the purpose of the present amendment.

Mr. SMITH of Georgia. Will the Senator yield to me for a question?

Mr. DIXON. With pleasure.

Mr. SMITH of Georgia. Will we not have exactly the same trouble on the question after next July? Was not the limitation of this appropriation to March 4 notice that in so far as they could wind up their business it should be wound up by the 4th of March? Can they not wind it up by that time just as quickly as in July?

Mr. DIXON. The Senator from Georgia states the case very well. On the 1st day of July there would again be renewed a proposition for another appropriation. Now, the way to resume is to resume, and the way to abolish this Commerce Court is to strike this amendment from the bill.

Mr. WARREN. Will the Senator from Montana allow me just a moment in reply to the Senator from Georgia?

Mr. DIXON. With pleasure.

Mr. WARREN. The talk in conference at the time, when it was found necessary to leave all legislation out, was that there would be legislation in the meantime, between the 1st of December and March 4, whereby the business would be provided for in other courts.

Mr. SMITH of Georgia. Mr. President——

Mr. WARREN. Permit me to say further, on the part of the committee, that the subcommittee which prepared the bill for the full committee entertained, I think, the same opinion that the committee and the Senate entertain, that the duty of the Appropriations Committee is to provide for what is ordered under the law.

This court was in existence with business before it, and we had failed meantime to provide any way whereby the business could go to other courts, as I understand it.

Now, a litigant, a shipper, who has a difference with a transportation company and goes to the Interstate Commerce Commission and wins his case, unless we do something to relieve him, is almost at the mercy of the corporation. They appeal the case, and there we are.

That is why the subcommittee presented an appropriation to the full committee for the fiscal year of 1914 and for the four months remaining unprovided for in the present fiscal year; and it ought not to go out, because we have failed to provide any other way for the continuance of the Commerce Court business.

One word more. I have in my hand here the hearings which the Senate committee had. It took pains to try to hear from all interested parties. It heard from shippers and also had before it the Interstate Commerce Commissioners, Messrs. Prouty and Clements, and also had the leading solicitor and attorney of the Interstate Commerce Commission. In my opinion, those are the persons of all others who might object to the court. They all stated, and the attorneys most emphatically, that chaos would follow unless we provided some way for handling appeals, with the necessary and appropriate legislation, so that the business of the public would not be obstructed and shippers would not be completely at the mercy of transportation corporations.

Mr. SMITH of Georgia. Will the Senator from Montana yield to me just a moment?

Mr. DIXON. I yield to the Senator from Georgia.

Mr. SMITH of Georgia. The Senator from Iowa [Mr. CUMMINS] at the last session of Congress, with the assistance of a few other Senators, perfected a plan by which the business before the Commerce Court was to be handled, and provided broadly for the distribution of the cases and the continuation in the courts of the country other than the Commerce Court—the district and circuit courts—of the business of the Commerce Court. We sent that from the Senate as the action of the Senate, and it was yielded in conference.

Now, with very little difficulty, that amendment then perfected by the Senator from Iowa can be put into a separate bill, or, if the point of order is not made upon it, we can place it as an amendment on this appropriation bill. We can take care, with no difficulty, of the shippers who are concerned about the trial of their cases. We can easily provide for that, and the way to make sure that we will provide for it is to stop this appropriation. Then everybody will help us provide for it.

Mr. DIXON. As the Senator from Georgia remarked awhile ago, the continuation of the life of the Commerce Court by this appropriation until the 1st day of July will merely result in piling up more cases in the Commerce Court, whose jurisdiction must be redistributed to the Federal courts in different districts. I will be perfectly happy if the Senator will offer the amendment which the Senator from Iowa [Mr. CUMMINS] offered to the appropriation bill at the last session as a modus operandi of redistributing the jurisdiction of the cases already on file, but I reiterate this is merely allowing the camel's nose to get a little farther into the tent. It makes it more difficult all the time to abolish the court. The temper of the country is to abolish it. The record of the Commerce Court certainly has not reflected glory on itself, and the quicker it is abolished the happier the people of the country are going to be.

Mr. WARREN. May I ask this question: I take it for granted that, should there be an accumulation, the same legislation that would take ten cases would take a hundred if you should legislate and transfer the business to another court?

Mr. DIXON. Certainly. I would suggest to the chairman of the committee that I do not like to attack a bill from a committee of which I am a member, but I made this same fight in the committee. I did succeed there in striking out the appropriation for 1914.

I would be very happy to have the Senator from Iowa [Mr. CUMMINS] offer in lieu of this amendment the amendment which he offered to the appropriation bill last summer, providing a schedule for the transfer of the cases, and then on the 4th of March the thing will have been finally accomplished.

Mr. CUMMINS. Mr. President, my opposition to the Commerce Court began when it was originally proposed, and I have never ceased to be opposed to the existence of the court. But until the court is abolished and its jurisdiction is conferred upon some other court we ought to maintain the court. It would be an intolerable situation to preserve the jurisdiction of the court and refuse to give the court the means by which it could exercise its jurisdiction. No other court has the jurisdiction which is now conferred upon the Commerce Court. We must not, as it seems to me, allow a period from the 1st of March until the 1st of July to intervene in which the people of the country will have no opportunity to resort to the courts in those cases of which the Commerce Court now has jurisdiction. That seems to me to be fundamental.

Mr. BRISTOW. Mr. President——

Mr. CUMMINS. Just a moment. I will conclude what I was about to say, and I fancy I will advance the thought in

the mind of the Senator from Kansas in conclusion. The reason I have not offered to this bill the amendment which I offered to the bill of similar character of last session is that the bill, having passed Congress, went to the President for his approval. He disapproved the bill on the ground, among other things, that Congress had abolished the Commerce Court. His disapproval did not in any wise change my mind with regard to the matter, and I stand ready at any time to vote either for an amendment or an independent bill which abolishes the court and bestows its jurisdiction elsewhere. But we have the same President we had then, and I assume he has not changed his mind.

Mr. DIXON. Will the Senator allow me?

Mr. CUMMINS. In just a moment. I assume that the President would veto the bill as he did before, and that all we could do upon the return of the bill to us would be to surrender, as we did before, and pass the bill without the amendment. It has, therefore, seemed to me a rather foolish, or, at least, a futile, thing to do.

I now yield to the Senator from Kansas [Mr. BRISTOW], who, I think, asked me first to yield, if the Senator from Montana will allow me.

Mr. DIXON. I merely want to suggest, in connection with what the Senator has said, while we have the same President that we had when he vetoed the last bill, the President has, in the interim since he vetoed the last bill, heard from the country at large and, in consideration of what has happened, may have a different view of his own at this time.

Mr. CUMMINS. I do not know that the verdict of the country at large was a verdict upon that particular issue.

Mr. DIXON. I want to further suggest to the Senator from Iowa that this amendment, if it is necessary, can go on a half dozen appropriation bills which will come up between now and the 4th of March. Why not strike it from this bill, and in the meantime prepare the amendment which the Senator from Iowa offered last summer to be offered in connection with any supplementary appropriation bill on the sundry civil bill or on the deficiency bill or on half a dozen other appropriation bills which are coming up?

Mr. CUMMINS. Does the Senator from Montana really think that the President of the United States will approve an appropriation bill which abolishes the Commerce Court?

Mr. DIXON. I am not in the confidence of the President of the United States. There is plenty of time between now and the 4th of March—to which time an appropriation has already been provided for—for the Senator from Iowa to offer his schedule for redistributing the jurisdiction of cases now pending and to pass the bill through the Senate during the life of the present appropriation bill. I think, in view of the fact that this can very easily be done on any appropriation bill between now and the 4th of March, it is worth while to try it.

Mr. BRISTOW. Mr. President——

Mr. CUMMINS. I now yield to the Senator from Kansas.

Mr. BRISTOW. What I wanted to suggest to the Senator from Iowa was that there seems to be no effort being made to provide for the assignment of the jurisdiction to other courts which this court has had.

Mr. SMITH of Georgia. I have sent for a copy of the amendment prepared by the Senator from Iowa [Mr. CUMMINS], which was adopted by the Senate at the last session of Congress. I hope to have it in a few moments, and I think I shall offer it as an amendment to this bill.

Mr. CUMMINS. So far as I am concerned, I certainly shall vote for an amendment of that character, although I intend presently to take a resolution not to vote for any general legislation upon appropriation bills; but I have not yet taken it, and may defer it until the coming in of the next administration.

Mr. BRISTOW. What I wanted to further suggest was that we have here an appropriation continuing this court until the expiration of this fiscal year. If this amendment is defeated, the country will then be exactly in the same condition in which it will be on the 4th of March. This does no good; it simply postpones for three months the "chaos" we have been hearing about.

Mr. CUMMINS. No.

Mr. BRISTOW. Yes.

Mr. CUMMINS. This bill, to be logical, ought to make an appropriation for the fiscal year 1914.

Mr. BRISTOW. And if this goes through, I predict that that appropriation will find its way into some other bill continuing the court beyond the 1st of July. For one, I am very much in favor of an amendment to this bill, in lieu of this one, distributing the jurisdiction and directing this court to go out of business on the 4th of March.

Mr. CUMMINS. I also am very much in favor of such an amendment, but I have not believed, having met the experience of a disapproval of a similar bill, that it was worth while to attempt the abolition of the court without a majority of two-thirds in Congress under present circumstances.

Mr. GALLINGER, Mr. BRISTOW, and Mr. FOSTER addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Iowa yield, and to whom?

Mr. CUMMINS. I yield to the Senator from New Hampshire.

Mr. FOSTER. I wished to ask a question, as I thought the Senator from Iowa had yielded the floor.

Mr. GALLINGER. Mr. President, I voted for this provision in committee for the reason that I thought we would be in bad shape if we did not insert it in the bill. I am quite willing at any time to vote for the abolition of the Commerce Court. I believe that that is coming, and perhaps it had as well come at one time as another; but Mr. Farrell, who is the solicitor of the Interstate Commerce Commission—and I believe there is not any too kindly a feeling between the Interstate Commerce Commission and the Commerce Court—gave testimony which influenced me very much. Will the Senator from Iowa permit me to read a couple of paragraphs from his testimony?

Mr. CUMMINS. Certainly.

Mr. GALLINGER. Mr. Farrell said:

> Mr. FARRELL. Unless the Commerce Court is abolished or its appropriation continued a chaotic condition will ensue after March 4; and I have no hesitancy in saying that the Congress should either appropriate further for the Commerce Court or else abolish it and transfer its jurisdiction to other courts, so that they may operate on those cases after March 4.
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> Senator FOSTER. Mr. Farrell, you said that, in your opinion, conditions would be chaotic as to the cases pending and cases to be brought unless there were additional legislation. Will you please explain a little more fully what you mean by the condition of those cases being chaotic?
>
> Mr. FARRELL. I mean that the Commerce Court would still have its jurisdiction, but no practical way of exercising that jurisdiction; that it would have no money with which to do business, and still would have business to do.
>
> The CHAIRMAN. And the right of appeal from your commission would exist with no legal way of putting it into effect.
>
> Mr. FARRELL. That is correct.
>
> Senator FOSTER. The court still exists, and the jurisdiction of the court still exists, and there is no machinery to carry on the cases and enforce either the power or the jurisdiction of the court.
>
> Mr. FARRELL. Yes.

Then Mr. Needham, in giving testimony, practically repeated the same language that Mr. Farrell had used.

While, as I have said, I am quite ready at any time to vote for the abolition of the Commerce Court, if provision is made to transfer its jurisdiction to other courts, it occurs to me that we ought not to do it offhand to-day and leave cases hanging in the air, whereby litigants would be denied their rights for some time to come. That is the attitude I held in committee, and I think it is correct.

Mr. CUMMINS. I take much the same position; but I think, so long as the court exists, that we ought to maintain it. Our first step should be to abolish the court and transfer its jurisdiction, which is a highly necessary jurisdiction, to some other tribunal. Then, of course, the appropriation becomes unnecessary; but to leave the court in existence without the possibility of discharging its functions would be to impose a very great hardship upon the people of this country. I do not think the Senate would intentionally or consciously leave that void in the judicial system of the country.

Mr. FOSTER. Mr. President——

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

Mr. CUMMINS. I now yield the floor, having said all that I desire to say.

Mr. FOSTER. Mr. President, as a member of the Appropriations Committee I think it but just and proper that the Senate should understand the reasons that prompted at least a majority of the members of that committee in submitting this amendment.

In 1909 or 1910 the Commerce Court was created, and exclusive original jurisdiction was conferred upon that court for the trial of all cases wherein the orders of the Interstate Commerce Commission were involved. The jurisdiction which had theretofore extended to and been exercised by the circuit courts of the country was withdrawn and exclusive original jurisdiction was given to the Commerce Court for the purpose of trying all those cases. In the act creating this court there were also provisions made for certain officers, setting out the number of the officers and the salaries that should be paid to those officers. At the last session of Congress, after the bill carrying with it an abolition of the court had been vetoed—I think, upon that ground the veto was based—there was a compromise effected in the conference committee, by which an appropriation was made for rent, stationery, and the payment of the officials of that court

until the 4th of March. As we found the law in the committee, it was that the Commerce Court as a court still existed; that it enjoyed the identical jurisdiction which was conferred upon it in the act creating it; but that from the 4th of March until the end of the fiscal year there was no appropriation made for carrying on and operating the machinery of that court.

So, Mr. President, the law has left the court in existence and it has left it with its jurisdiction, but it has left it without any means of carrying on the court, because of the failure to appropriate for a building in which the court was to hold its sessions, for clerks to file the papers of the court, or for marshals to execute the orders of the court or to give notices. In that situation it seemed to me at least that it was necessary and that it was the duty of this committee to report an appropriaion in order to make available the money necessary to carry on that court from March until July. In fact, I favor an appropriation for the whole year. That did not involve, nor am I going to discuss, the question of the desirability of the abolition of the court. I did not believe that it was a proper method of legislating to carry into general appropriation bills general legislation. That has always been my position.

I believe, further, Mr. President, that the President would do just what he has heretofore done if this provision had been put in the bill.

Unless this amendment shall be adopted, what will be the result? You will have the Commerce Court as a court, you will have it with its jurisdiction, and you will have all the cases now pending before that court and the cases hereafter to be brought returnable to that court without any machinery at all to operate the court. It will completely tie up all of the interstate commerce litigation.

When this matter was up for consideration by the committee there appeared before the committee two lawyers of the Interstate Commerce Commission. Both of those lawyers have had large experience in the conduct of these cases. One of them was Mr. Farrell. I asked him before the committee:

Senator FOSTER. Of course, as you understand, this is an appropriation bill. The bill fails to make any appropriation for rent of building or purchase of stationery or the payment of any of the officials of the court. As I understand the bill, it does not abolish the Commerce Court, but it practically stops the operation of the machinery of the court. Now, if the bill passes in its present form, failing to make these appropriations, what will become of the cases now pending in that court and of the cases hereafter to be filed by any litigant?

Mr. Farrell's answer was:

Unless the Commerce Court is abolished or its appropriation continued, a chaotic condition will ensue after March 4; and I have no hesitancy in saying that the Congress should either appropriate further for the Commerce Court or else abolish it and transfer its jurisdiction to other courts, so that they may operate on those cases after March 4.

Then I asked Mr. Needham, who seems to have had a very extended experience in Commerce Court litigation, this question:

Senator FOSTER. We might ask Mr. Needham if he agrees with Mr. Farrell as to the chaos that would follow in the event that there were no other legislation than that which refuses to make any appropriation for the support and maintenance of the Commerce Court?

Mr. NEEDHAM. Oh, yes; that would be a deplorable condition.

The CHAIRMAN. Of course there must be either legislation or appropriation.

Mr. NEEDHAM. There would be no way of disposing of applications for restraining orders, and so forth.

The CHAIRMAN. Your cases would simply be hung up in the air, and both shippers and transportation companies would be in limbo.

Mr. NEEDHAM. Oh, yes; it would be a condition of chaos.

Mr. BRISTOW. Mr. President——

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

Mr. FOSTER. Certainly.

Mr. BRISTOW. Let me inquire of the Senator if this awful condition which we are about to confront can not be remedied by providing for the distribution of the jurisdiction of this court to other courts? Congress has very emphatically taken a position in regard to the continuance of this court. Now, instead of trying to force its continuance by presenting to the Senate and the country this chaotic condition that will exist if the appropriation is not made, why not offer some remedy for it and let the court go out of existence, as it is clearly and manifestly the intention of Congress that it shall?

Mr. FOSTER. Mr. President, I will answer the Senator. Of course, the Appropriations Committee had nothing to do with the legislation in regard to the Commerce Court and, in my opinion, ought not to have anything to do with it. If there is a bill passed abolishing the Commerce Court, that bill necessarily carries with it the abolition of all the officers under the court, and all appropriations for those officers will cease, because there will be no officers in existence to receive the appropriations.

These are the reasons, Mr. President, that impelled me to vote in committee for this amendment. As I have stated, general legislation of the character that was put on this bill last year, I believe, is against the better policy of legislation; and so far as I am concerned, I shall object to it being placed upon this bill.

Mr. CLARKE of Arkansas. Mr. President, I have cooperated for several sessions with that contingent in the Congress of the United States which sought to abolish the Commerce Court, and my service was that of an ally rather than a veteran.

So far as the court itself is concerned, it is a distinct improvement of the judicial system of the United States. It supplies a real want and will facilitate, as nothing else will facilitate, the administration of the interstate-commerce law so far as it relates to transportation. Anybody who is at all familiar with the history of one of these rate cases in a United States district court will understand at once that the delay in itself amounts almost to a denial of justice. That has been the experience in all the Western States; it has been the experience in Arkansas, and we have there just as industrious, just as competent, and just as able a judge as any of the district judges in this country. The defect is in the system and not due to any particular deficiency in the judge.

The subject of transportation in its relation to interstate commerce has grown to such an extent that it has become of itself an independent topic of sufficient proportions to justify a special tribunal to deal with it. In the contracts of merchants time is of the essence; and in the matter of transportation it is of the utmost importance to know just exactly what the law is, because it enters into commerce in all of its branches. The railroads have had no better friend than the procrastination that has been imposed upon litigation in this country by the congested condition of the dockets of the courts.

The Commerce Court was an experiment when it was tried; that is to say, the public demand was crudely responded to. I voted for that feature of the law in opposition to the wishes of some of my associates on this side of the Chamber.

My principal business in life has been in the courthouse, and, whilst I did not distinguish myself there very greatly, I have learned some things by observation, more particularly relating to lawsuits conducted by other and abler lawyers. One of the things I did learn is that promptness in the disposition of litigation is quite as important as correct decision in the end.

We are just in the infancy of interstate commerce. Every time the Supreme Court of the United States meets it lays down some novel, almost startling, doctrine. The business of transportation is nation-wide. The technicalities connected with it are such as to perplex those who devote their lives to attempting to unravel them. A special class of lawyers has been raised up in the profession to take charge of the litigation of that kind which has grown up. So special or technical is it in its character that lawyers familiar with the ordinary rules of law that would serve them in general practice are not deemed to be competent to take charge of such controversies.

I think that demand has extended beyond the bar, and has now become a necessity, so far as the court itself is concerned. The subjects of the enforcement of the rights of shippers and the protection of the rights of the public have become separate subjects of the law. It is a distinct achievement in the direction of a better condition to have to deal with these questions a court instructed in all of the rules and matters and all the peculiar practical features of railroad construction and railroad operation. There grows up there much more quickly than it can in the different district courts of the country a body of laws peculiarly applicable to controversies of that kind. A special court grows familiar with such controversies; it can act quicker; its decisions are rendered quicker; and cases are finally disposed of quicker. All those things contribute to the efficiency of government and reduce the expense and uncertainty of controversies such as these. They prevent many controversies which otherwise would be precipitated by the public-service corporations, whose activities are subject to the jurisdiction of that court, because they know now that the time usually devoted to business of that kind has been very greatly shortened; and where they know they are not right, they are not likely to contend.

I have voted to abolish the court and the judges of it. My objection, however, was to the character of judges who were put there. I was utterly disappointed when the President announced the list of judges whom he had selected to constitute the membership of that court. He had been looked upon as possessing peculiar qualifications for selecting, from among the body of lawyers, judges who were qualified to discharge the duties that would be imposed upon them; but he has made the impression upon me, and I feel safe in saying that he has made

the impression upon others, that if there is one particular service in which he has proven to be a signal failure, it has been in that behalf; and you do not have to go outside of the membership of that court to condemn him as being utterly incapable of rising above the peculiar group of circumstances, not at all to his discredit, when he comes to make nominations for places of that importance.

The character of judges that he placed there discredited the court before the country. The very first thing they did was to constitute themselves the censors of the Interstate Commerce Commission. They took it upon themselves to review de novo every order that had been made, not limiting their jurisdiction to laying down principles of law and accepting the findings of fact of that tribunal; but one of the members of the court who was taken from that commission sought to make his dissenting opinions as a commissioner the rule of the law of transportation of this country.

True, the Supreme Court has set them right in some of its opinions. It may be that the definition of jurisdiction contained in the amendment to the interstate-commerce act is not as accurate as it should be; but improvements along that line, with a different class of judges, would, in my opinion, remove whatever dissatisfaction there exists in connection with the Commerce Court.

I am not disposed here to undertake to cripple the court now. The court, as I have said, does not stand well, not because of the structure of the court or the constitution of the court, but rather because of the judges who were appointed to administer that particular feature of the judicial function. In the first place, they discredited themselves in the extravagance with which they fitted up their court room. That was exhibited here on this floor. No such recklessness has been displayed by any public officials who have had charge of the disbursement of money for purposes of that kind. They showed a weakness and a vanity about it that was certain to impress one with the thought that they felt themselves to be a little different from what the law intended they should be. Then their habitual raids upon the jurisdiction of the Interstate Commerce Commission were such as to create the impression that that tribunal had been abolished, except as a place where controversies could be originated, and that the real hearing and disposition was to take place in the Commerce Court.

I have my own notions about that kind of a court. I believe there should be a central court, composed of the very best judges who can be found on this continent, who should be paid a salary that will secure them. Whenever we have that kind of a court, they will vindicate the wisdom of the establishment of such a court by demonstrating to the country that no other means that can be adopted involving no greater expense than that can be inaugurated with such gratifying results.

The proposition now pending is to allow sufficient money to keep the court running until July. I believe I shall lend the aid of my vote to that proposition. I believe that before many months roll around, certainly before many years roll around, we will have an opportunity to deal with the court in a broader way, and it is possible that some means can be found by which the just criticisms of the country may be obviated and the usefulness of the court may be increased.

The PRESIDING OFFICER (Mr. SHIVELY in the chair). The question is on agreeing to the amendment reported by the committee on page 144 of the bill.

Mr. DIXON. I understood that the Senator from Georgia [Mr. SMITH] was going to offer as an amendment——

Mr. LODGE. The question will be divided anyway.

Mr. DIXON. I understood the Senator from Georgia was going to offer as an amendment the schedule prepared and adopted at the last session of Congress.

Mr. SMITH of Georgia. I understood that the Senator from Louisiana [Mr. FOSTER] would make the point of order against the amendment, and it clearly is out of order to put this proposed legislation on an appropriation bill. So I abandoned the idea of presenting the point of order. I think the proposition should be submitted to the Senate as a separate question.

Mr. DIXON. I should think that the Senator from Georgia would offer the amendment and allow the responsibility to rest on the Senator from Louisiana [Mr. FOSTER] for redistributing the cases now pending before the Commerce Court——

Mr. FOSTER. I hope the Senator does not think the Senator from Louisiana is going to hesitate to take the responsibility.

Mr. DIXON. No.

Mr. SMITH of Georgia. Mr. President, when I heard the statement of the Senator from Louisiana [Mr. FOSTER] I knew it was so, and I think the only remedy would be to kill this appropriation and introduce an independent bill. If we divide this appropriation an independent bill will certainly pass both Houses.

Mr. OWEN. Mr. President, I think this item should be stricken out of the bill. The Congress of the United States has heretofore expressed its desire that the Commerce Court should go out of existence. The President of the United States has used his veto power to prevent the will of Congress becoming effective. Therefore the Congress of the United States has the right, under the practice of government, to refuse supplies, in this connection, as a means of making good its protest against this court. Congress is entirely justified in this, in my judgment, and the refusal of the supplies necessary to carry on this court will make necessary the abolition of the jurisdiction of this court, the distribution of the cases before the court, and provision for dealing with cases which are on appeal from this court. That can be done in due order, but I think this item should be struck out, and I wish to say as much.

The PRESIDING OFFICER. The Chair wishes to suggest that the question is not on a motion to strike out. The question is on agreeing to the committee amendment.

Mr. GALLINGER. Yes; it has to be put affirmatively.

Mr. DIXON. On that let us have the yeas and nays.

The yeas and nays were ordered.

Mr. OWEN. Mr. President, I suggest the absence of a quorum.

Mr. GALLINGER. The motion will be put affirmatively upon agreeing to the committee amendment?

The PRESIDING OFFICER. That is the question. The question is, Shall the committee amendment be agreed to?

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

The PRESIDING OFFICER. The absence of a quorum is suggested. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names.

38

| | | | |
|---|---|---|---|
| Ashurst | Crawford | Martin, Va. | Simmons |
| Bacon | Cullom | Martine, N. J. | Smith, Ariz. |
| Borah | Cummins | Nelson | Smith, Ga. |
| Bradley | Dillingham | Owen | Smith, Md. |
| Bristow | Dixon | Page | Smoot |
| Bryan | du Pont | Paynter | Sutherland |
| Burnham | Fletcher | Penrose | Swanson |
| Burton | Foster | Perkins | Thornton |
| Catron | Gallinger | Perky | Townsend |
| Chamberlain | Heiskell | Poindexter | Warren |
| Clapp | Jones | Pomerene | Wetmore |
| Clark, Wyo. | Kenyon | Root | |
| Clarke, Ark. | La Follette | Sanders | |
| Crane | Lodge | Shively | |

The PRESIDING OFFICER. Fifty-three Senators have answered to their names. A quorum is present.

Mr. POINDEXTER. Mr. President, I was not here during the discussion of this item, and I do not know whether any attention has been called to the form of the amendment offered by the committee. I notice at the close of the amendment the amount appropriated in all is $19,977.78; but it appears from a tabulation of the items preceding that that the amount it provides for is a great deal more than that. The separate items, added together, amount to the sum of $31,977, apparently. As I say, I was not here during the previous discussion, and this matter may have been explained.

Mr. WARREN. I think the Senator is mistaken about his figures. It provides for these expenses at certain rates per annum, but only for the remainder of March after the 4th of March, and April, May, and June; in other words, it covers the contingent expenses and salaries of the employees from March 4 to June 30.

Mr. POINDEXTER. This paragraph, as I understand, does not specify the amount appropriated, but leaves it to be determined by a mathematical calculation.

Mr. WARREN. It is at the rate of so much per annum.

Mr. POINDEXTER. It does not state how much.

Mr. WARREN. Yes; it does. I beg the Senator's pardon, but if he will have it read he will see that it does.

Mr. POINDEXTER. It states how much per annum, but it does not state the amount of the appropriation for salaries.

Mr. WARREN. This is upon the basis of the current law, except they cut down in rent, and the basis on which the appropriation asked is the number of days in which the court would be provided for at the rates of salary established by law, and at a lower rate of rental, which is made as low as possible. Of course, the old appropriation for traveling expenses is left out entirely. But the amount is as stated, a little short of $20,000—$19,977.17.

Mr. POINDEXTER. There is nothing in the amendment proposed by the committee from which it can be determined how much of this money is to be expended for rent, how much for furniture, and how much for any other incidental expenses.

I notice in a statement which I have in my hand among some of the incidental expenses of this court, pasteboard fitting pipes and drapery, $150; slip covers for 55 window draperies and 7

court screens, $145; 13 mahogany and silk-lined window shades, $122; altering 5 judge's court-room chairs, original cost $945; 72 feet mahogany bookcases, $1,404; 1 leather davenport, $175; models for carved work, $160; 5 judge's court-room chairs, $690; 3 plate-glass tops for desks, $57; and 7 leather pillows, $77.

I should like to inquire of the Senator from Wyoming if he can state what portion of this item of $16,111, specified in the last item in the amendment, is available for expenses of the kind I have just mentioned.

Mr. WARREN. The first appropriation for this court was on a basis of $100,000 for the first year. For the current bill or the present fiscal year was a trifle over $62,000.

The proposed sum for four months to complete the present fiscal year is on the basis of the $62,000 a year, and amounts to a little less than $20,000 for the four months. This amount covers every expenditure of every character of the Commerce Court, excepting, of course, the salaries of the judges themselves.

Mr. DIXON. That would be $16,000.

Mr. POINDEXTER. It would take some little time, and I am not going to undertake to make the calculation the Senator refers to. My understanding has been that ordinarily in appropriation bills the amounts appropriated for the items specified are stated in the bill. Of course, it would make no difference what explanation the Senator from Wyoming would give or what were the intentions of the Senate in appropriating this amount. The law on the face of it leaves absolute discretion in the Commerce Court to spend the entire $16,000 for leather pillows, or mahogany bookcases, or altering judge's chairs, or plate-glass tops for desks.

I desire to call attention to the absolute lack of any limitation in this amendment of the proportion of the sum appropriated which may be used for incidental expenses. There is no specification of the portion of this sum which is to be spent for rent; and if we are to judge by the practice of the court heretofore in expending money, I would suggest that if the appropriation is going to be made at all it ought to be limited to the purposes for which Congress intends it to be used.

Mr. WARREN. The Senator does not strengthen his case by repeating it. There is no such latitude as the Senator states. This specifically provides that a certain amount, which it is easy to calculate if a man will take a pencil and a piece of paper, is to be spent within a certain length of time and for a certain purpose.

The difference between the salaries at the rate per annum stated for the length of time stated, which, as I have already said, amount to over $12,000 of this sum, and the total appropriation under this paragraph would be the amount available for the items referred to.

Mr. GALLINGER. The total amount is $19,000.

Mr. POINDEXTER. That is the entire sum.

Mr. DIXON. If the Senator from Washington will pardon me, the amount for salaries is less than $4,000. The $12,000 is for the entire year. You are appropriating for the period only from March to June. The amount that you are appropriating for salaries is the difference between $16,111.11 and $19,977.78. There is absolutely $16,000 that can be expended there on the certification of the presiding judge without any regard to the question whether it is for leather sofa pillows or mahogany bookcases or plate-glass tops or what not.

Mr. WARREN. The Senator will understand that this, in addition to rent, is to cover the cost of books and periodicals, pay of bailiffs, and so on, at the seat of government. These items are, of course, in the estimate, and if it is desired to make the point that each one should be specifically stated, it makes the case different from our appropriations for other courts. But that can be done.

Mr. POINDEXTER. Mr. President, this appropriation is for the support of the court, which the Senate, at its last session, after thorough debate and a full discussion of the record of the court, and the relations of the court with the Interstate Commerce Commission, and the revolution which the court had worked in the Interstate Commerce Commission, and the interference with the functions of that commission, had abolished to all intents and purposes. It seems to me it is not a particularly edifying spectacle before the country when the Senate, after great deliberation and thorough debate, has decided a matter of this kind, that we should reverse that action at the succeeding session of Congress. I am not aware of anything that has occurred in the meantime that renders this court more acceptable now than it was then, nothing that has occurred that has in any way indicated that the court is disposed to change its attitude toward the Interstate Commerce Commission, or in the construction and abuse of powers which the court has or claims to have under the law under which it was organized.

The same reasons that applied then apply now. So far as I am concerned, I expect to vote the same way now that I voted then, and it seems to me that the Senate, unless there is some reason proposed, ought to refuse to reverse the action which it took at the last session.

The Supreme Court of the United States has declared in one of its decisions, which has already been cited, that the action of the Commerce Court—the rules undertaken to be laid down by the Commerce Court—had the effect of revolutionizing the law under which the Interstate Commerce Commission was exercising its functions. Before this court was created the Interstate Commerce Commission was regarded as an administrative body, acting under a rule or policy laid down by Congress, and its administrative acts were final; its findings as to facts, except where there was an excess of jurisdiction, were final. But this court, set up as a supervisory power, or setting itself up as a supervisory power, as to the findings of fact made by the Interstate Commerce Commission, has rendered the Interstate Commerce Commission practically useless.

These things were all discussed at the last session, and it would be useless, and I do not propose to go into them now. I simply want to register an objection, as far as I am concerned, for one, to a reconsideration of the question, when there is no reason advanced for a reconsideration of it.

The experiences which we have had with other courts that undertake to set themselves up above the law has not tended in any way to support the position taken by the Commerce Court. Very recently in the State of Idaho the supreme court of that State took a position very analogous to that which has been taken by the Commerce Court in regard to its functions, and laid down the rule that the Legislature of the State of Idaho had no power to limit punishment for contempt of court; that the court was supreme; that the court was above the legislature; that it had some inherent power derived from some mysterious source, which it did not explain, which was not subject to regulation by the legislature. It undertook to imprison publishers of a newspaper for a period of time double the limitation fixed by the legislature of the State as a penalty for contempt, and expressly declared that the legislature had no right to limit the power of the court. That, to all intents and purposes, is the attitude that has been taken by this Commerce Court.

It is a superfluous body. It is not needed, even though it had subjected itself to the law that has been laid down by the Supreme Court of the United States. But it has not done that. It has assumed an authority which the law does not give it, and has announced the same doctrine in the performance of its functions, in the issuance of temporary injunctions to restrain orders made by the Interstate Commerce Commission, which the Supreme Court of Idaho announced in this contempt case, namely, that it had certain inherent powers above the people, acting through the legislature, which had undertaken to define the limit of its power.

The expenses of this court amount to almost $100,000 a year, taking into account those matters which are not included in the items specified in this bill. The money has been expended extravagantly and recklessly, and if this amendment passes it will leave absolutely in the discretion of the court, as has been already stated, an opportunity to continue the extravagant expenditure of this large amount of money for purposes which are utterly unnecessary and improper.

Mr. BORAH. Mr. President, the manner in which this amendment comes up makes it a little difficult and embarrassing to one who is opposed to the Commerce Court and at the same time would like to see its existence terminated in an orderly way. I was opposed to the creation of the Commerce Court and I am opposed to its continued existence. I hesitate, however, to vote against appropriating the money necessary to run the court so long as it is in existence.

If I were not of the opinion that the act would be followed, if successful, by some means or method of disposing of the cases and transferring them in an orderly way and in disposing of the court, I should not vote against this appropriation. But it seems to me that if we are successful in cutting off the appropriation it will be followed in an orderly way with an act which will dispense with the court and transfer its jurisdiction to other courts.

For that reason, while it is somewhat of an incongruous position for one to occupy who is in favor of appropriating money whenever a court is in existence, I propose to cast my vote against the appropriation. I am so thoroughly opposed to the

court that I can not give my consent to anything which would seem to favor its continuance.

The PRESIDING OFFICER. The question is on the amendment reported by the Committee on Appropriations, on page 144 of the bill, on which the yeas and nays have been ordered. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CRANE (when his name was called). I am paired with the junior Senator from Maine [Mr. GARDNER] and therefore withhold my vote.

Mr. GALLINGER (when his name was called). I have a general pair with the junior Senator from New York [Mr. O'GORMAN]. I think that Senator is not in the Chamber. I will transfer my pair to the Senator from South Dakota [Mr. GAMBLE] and vote "yea."

Mr. THORNTON (when Mr. O'GORMAN's name was called). I desire to announce that the junior Senator from New York [Mr. O'GORMAN] is necessarily absent from the Chamber. He is paired with the senior Senator from New Hampshire [Mr. GALLINGER], as has been announced by that Senator.

Mr. PENROSE (when his name was called). I am paired with the junior Senator from Mississippi [Mr. WILLIAMS]. I observe that he is not in the Chamber. I transfer that pair to my colleague, the junior Senator from Pennsylvania [Mr. OLIVER], thereby permitting the junior Senator from Oregon [Mr. CHAMBERLAIN] and myself to vote. I vote "yea."

Mr. PERKINS (when his name was called). I have a general pair with the junior Senator from North Carolina [Mr. OVERMAN]. He is necessarily absent on account of sickness. Not knowing how he would vote if present, I withhold my vote.

The roll call was concluded.

Mr. DU PONT. I have a general pair with the senior Senator from Texas [Mr. CULBERSON]. I transfer that pair to the junior Senator from Maryland [Mr. JACKSON] and vote. I vote "yea."

Mr. CLARK of Wyoming. I have a general pair with the Senator from Missouri [Mr. STONE]. In the absence of that Senator I transfer my pair to the Senator from New Mexico [Mr. FALL] and vote. I vote "yea."

Mr. BRADLEY. May I inquire whether the Senator from Indiana [Mr. KERN] has voted?

The PRESIDING OFFICER. He has not voted.

Mr. BRADLEY. I am paired with that Senator. On account of his absence I decline to vote. Were he here I would vote "yea."

Mr. MYERS. Has the Senator from Connecticut [Mr. MCLEAN] voted?

The PRESIDING OFFICER. He has not.

Mr. MYERS. I have a pair with the Senator from Connecticut [Mr. MCLEAN], and he being absent I withhold my vote.

Mr. SIMMONS. I desire to announce that my colleague [Mr. OVERMAN] is absent from the Senate on account of illness.

The result was announced—yeas 33, nays 20, as follows:

YEAS—33.

| | | | |
|---|---|---|---|
| Bryan | Dillingham | Page | Sutherland |
| Burnham | du Pont | Paynter | Swanson |
| Burton | Fletcher | Penrose | Thornton |
| Catron | Foster | Root | Townsend |
| Clark, Wyo. | Gallinger | Sanders | Warren |
| Clarke, Ark. | Jones | Simmons | Wetmore |
| Cullom | Kenyon | Smith, Md. | |
| Cummins | Lodge | Smoot | |
| Curtis | Martin, Va. | Stephenson | |

NAYS—20.

| | | | |
|---|---|---|---|
| Ashurst | Crawford | Martine, N. J. | Pomerene |
| Borah | Dixon | Newlands | Shively |
| Bristow | Heiskell | Owen | Smith, Ariz. |
| Chamberlain | Johnson, Me. | Perky | Smith, Ga. |
| Clapp | La Follette | Poindexter | Tillman |

NOT VOTING—41.

| | | | |
|---|---|---|---|
| Bacon | Gamble | Lippitt | Reed |
| Bankhead | Gardner | McCumber | Richardson |
| Bourne | Gore | McLean | Smith, Mich. |
| Bradley | Gronna | Massey | Smith, S. C. |
| Brandegee | Guggenheim | Myers | Stone |
| Briggs | Hitchcock | Nelson | Watson |
| Brown | Jackson | O'Gorman | Williams |
| Chilton | Johnston, Ala. | Oliver | Works |
| Crane | Johnston, Tex. | Overman | |
| Culberson | Kern | Percy | |
| Fall | Lea | Perkins | |

So the amendment of the committee was agreed to.

Mr. OWEN. On page 26, after line 6, I move to insert:

For legislative reference bureau, under the direction of the Librarian of Congress, $10,000.

Mr. WARREN. I make a point of order against the amendment. It is not estimated for and is not recommended by any committee.

The PRESIDING OFFICER. The point of order is sustained.

Mr. OWEN. I think the point of order is well made. I offered the amendment, however, because it is a matter of great importance to the future usefulness of the Senate and the House of Representatives to begin the establishment of a reference bureau from which a Senator or Representative may obtain authoritative information on legislative questions. It has been established in Wisconsin and has proved very useful there. I hope the Senator from Wyoming will not insist upon his point of order.

The PRESIDING OFFICER. The Chair will withdraw his ruling if the Senator from Wyoming desires to withdraw the point of order.

Mr. WARREN. Mr. President, I do not feel that I ought to withdraw the point of order, because, in the first place, there is no law or estimate for it, and it has not had the consideration of the committee. I think it should have the consideration of the committee, which the committee has not been able to give it. I therefore insist on the point of order.

Mr. OWEN. I remind the Senator that it passed the Senate a year ago, if I am not mistaken.

The PRESIDING OFFICER. The point of order made by the Senator from Wyoming is sustained.

Mr. MARTINE of New Jersey. I desire to present an amendment.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. Under the head of "Legislative," insert:

That the salary of all employees of the United States Senate who are receiving less than $1,800 are hereby increased 25 per cent. In no case, however, shall the salary so increased exceed $1,800.

Mr. MARTINE of New Jersey. My purpose, Mr. President, in offering the amendment is that we may reach those of lower grade. I feel that it is manifestly fair. It is a universally admitted fact that the cost of living has increased from 40 to 60 per cent, and these salaries have not been increased in years. I feel that it is a matter of simple justice.

Mr. WARREN. Mr. President, early in the consideration of the bill the manager of the bill felt that those who were not satisfied with the committee's action upon these Senate positions ought to have the opportunity to settle it here on the floor of the Senate. Therefore, all similar amendments are for the Senate itself to settle.

Mr. CLARKE of Arkansas. Mr. President, I think this is an inopportune time for increasing salaries, and we should not increase a salary until we know that there is a special reason for so doing. The same reason which prompted me to object to the amendment offered by the Senator from Virginia prompts me to raise the point of order against this amendment. It may be that increases will hereafter be made. It may be that an equalization of salaries will take place. I raise the point of order that this item has not been estimated for and is not otherwise within our rule.

The PRESIDING OFFICER. A point of order is made by the Senator from Arkansas. The Chair must sustain the point of order.

Mr. WARREN. That completes the bill, so far as committee amendments are concerned.

Mr. CUMMINS. I desire to ask the Senator from Wyoming whether the amendment known as section 5 was adopted? I was called from the Chamber for a few minutes this afternoon.

Mr. WARREN. Section 5 was stricken out on a point of order made by the Senator from Oklahoma [Mr. OWEN] and sustained by the Chair.

Mr. CUMMINS. The whole of section 5?

Mr. WARREN. The whole of section 5.

The PRESIDING OFFICER. The bill is still as in Committee of the Whole and open to amendment.

Mr. CUMMINS. I wish to make one further statement. I stated this afternoon that before the disposition of the bill I intended to offer an amendment relating to the Naval Observatory, the American Ephemeris, and the Nautical Almanac. I have concluded not to do so, but I shall offer a resolution presently for an investigation of that subject by the Committee on Naval Affairs.

Mr. SMITH of Georgia. I wish to give notice that immediately after the conclusion of the omnibus claims bill, which is in charge of the Senator from South Dakota, I shall ask the Senate to take up and consider House bill 22871, to establish agricultural extension departments in connection with the agricultural colleges of the several States.

Mr. CRAWFORD. I could not hear the first part of the statement of the Senator from Georgia.

Mr. SMITH of Georgia. Immediately after action by the Senate upon the omnibus claims bill, which is under the Senator's direction, I shall then ask the Senate to take up the agricultural extension bill.

Mr. CRAWFORD. I am very glad the Senator is making that exception, but from the speed which I have been making with the omnibus claims bill I think it is a little discouraging to both the bill which I am trying to get action on and the bill in which the Senator from Georgia is interested.

Mr. LODGE. The regular order.

Mr. WARREN. What has become of the appropriation bill?

Mr. SMITH of Georgia. I understood the claims bill was to follow the appropriation bill.

Mr. WARREN. The appropriation bill has not yet been passed.

Mr. SMITH of Georgia. But I understood that the Senator from South Dakota intended to ask the Senate to take up his bill immediately after the appropriation bill is passed.

Mr. GALLINGER. The regular order.

The PRESIDING OFFICER. The bill is as in Committee of the Whole, and open to amendment. If there are no further amendments as in Committee of the Whole the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. MARTIN of Virginia. On page 16, in line 15, I move to amend by striking out "$2,500" and inserting "$3,000" after the word "clerk."

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 16, line 15, strike out "$2,500" and insert "$3,000."

Mr. MARTIN of Virginia. And in the same line, as a part of the same amendment, after the words "assistant clerk," I move to strike out "$1,600" and insert "$2,000"; and after the word "janitor," in the same line, to strike out "$720" and insert "$1,000."

I will say to the chairman of the committee that they are the salaries of the clerks of the Judiciary Committee of the House, and I have a letter from the chairman of the House committee asking that these amendments be made. I have a letter here from Mr. FITZGERALD, and also from the chairman of the Committee on the Judiciary of the House.

Mr. WARREN. Will the Senator allow me to see the letter of the chairman?

Mr. CLARKE of Arkansas. What is the necessity for it?

Mr. MARTIN of Virginia. I will say that it has been the uniform custom to let each House fix the expenses of its own employees.

Mr. WARREN. I wish only to have the letters read; and, if the Senator will permit me here, I desire to say that there is a comity between the Senate and the House committees. The Senate has never, to my knowledge, proposed an amendment, or those in charge of appropriation bills consented to an amendment, to strictly House of Representatives matters, such as salaries, except where there came a written request from the other House. There seems to be a request at the present time from the chairman of the House Committee on Appropriations to have this done.

Mr. SMOOT. Mr. President, I should like to ask the Senator from Virginia if this amendment was made to the bill in the other House or whether the House has acted on it at all?

Mr. MARTIN of Virginia. It was not made there. Through inadvertence attention was not called to it. The chairman of the Committee on the Judiciary in the House feels that his clerks are not sufficiently paid, but through inadvertence the matter was not taken up in the House at all, and he now asks that it be put on in the Senate and be permitted to go to conference. The chairman of the Committee on Appropriations of the House, Mr. FITZGERALD, writes a letter making a request that these increases be made, so that the matter may go to conference and have the consideration of the House.

Mr. WARREN. Let the letters go into the RECORD.

Mr. CLARKE of Arkansas. Let the letters be read.

Mr. CRAWFORD. May I ask the Senator from Virginia a question?

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from South Dakota?

Mr. MARTIN of Virginia. I do.

Mr. CRAWFORD. Is the amount which is already in the bill the amount which those officials have been receiving during a considerable period in the past?

Mr. MARTIN of Virginia. I suppose so; though the chairman of the Committee on the Judiciary in the House feels that his clerks are not paid salaries commensurate with the salaries paid to the clerks of committees of like dignity and with equal responsibility and work, and the thinks their salaries ought to be increased.

The PRESIDING OFFICER. The question is on the amendment submitted by the Senator from Virginia [Mr. MARTIN].

Mr. SMITH of Georgia. I ask that the letters be read.

The PRESIDING OFFICER. The Secretary will read the letters referred to.

The Secretary read as follows:

WASHINGTON, D. C., *January 13, 1913.*

To the COMMITTEE ON APPROPRIATIONS,
*United States Senate.*

DEAR SIRS: I should like to see the salaries of the clerks and the janitor of the House Committee on the Judiciary made commensurate with the duties performed by them. The bill was reported to the House before I took this matter up, and I am therefore addressing your committee on the subject.

The clerk of the Committee on the Judiciary of the House now receives $2,500. I think this salary ought to be increased to $3,000. The assistant clerk now receives $1,600; I think this salary ought to be raised to $2,000. The janitor now receives $720; I believe his salary ought to be increased to $1,000.

During the last session of Congress the Committee on the Judiciary was in session, on the average, every day of the session of Congress, and sat, on the average, two and a half hours for each session of the committee. The clerks were kept at the rooms of the committee in the discharge of their duties until late into the night more often than not. The work of the clerical force has greatly increased since the salaries were fixed at their present figures.

Respectfully, yours,

H. D. CLAYTON,
*Chairman Committee on the Judiciary,*
*House of Representatives.*

—

COMMITTEE ON APPROPRIATIONS,
HOUSE OF REPRESENTATIVES,
*Washington, D. C., January 15, 1913.*

Hon. F. E. WARREN,
*Chairman Committee on Appropriations,*
*United States Senate.*

DEAR SIR: The Committee on Judiciary of the House desires to have some changes made in the legislative, etc., bill with reference to its clerical force. After consulting with the House managers who will have it in charge I have to request that you will make such changes as Mr. CLAYTON requests, so that the matter may be taken up in conference.

Very truly, yours,

JOHN J. FITZGERALD,
*Chairman Committee on Appropriations,*
*House of Representatives.*

Mr. WARREN. Mr. President, it will be observed that the chairman of the House committee asks that this amendment be made here and that the matter go to conference. I hope that the Senate will follow that course. I feel sure that the chairman of the committee on the House side will in conference or House session bring the matter up in a way that will settle it to the general satisfaction of the House.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Virginia [Mr. MARTIN].

Mr. CLARKE of Arkansas. Mr. President, it seems to me that this practice is not one that is to be commended. The House of Representatives never will have an opportunity of passing upon the matter of fixing the salaries of some of its own subordinate employees. This is a request, addressed by two individual Members of the House, to an individual Member of the Senate. If they had communicated it to the Senate in an official way, bringing to the notice of this body the fact that an omission had been made through inadvertence, I think the rule would be a safe one, but I do not favor it as a general practice. I am not prepared to say how far I am willing to go on this occasion in having matters of that kind disposed of on such a basis.

The salaries named are in excess of the salaries paid generally in Congress to clerks of committees; they are higher than the salaries paid at this end of the Capitol.

Mr. LODGE and others. Oh, no.

Mr. CLARKE of Arkansas. It seems so to me. Are there any clerks here who receive as much as a salary of $3,000?

Mr. LODGE. The clerk of the Committee on Appropriations receives a salary of $4,000.

Mr. SMITH of Georgia. It is higher than the salary received by anyone around the office of the Senator from Arkansas.

Mr. BRISTOW. Mr. President——

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

Mr. CLARKE of Arkansas. I do. The Senator from Kansas always says something worth while.

Mr. BRISTOW. I understand this is $500 more than the clerk of the Judiciary Committee of the Senate receives.

Mr. CLARKE of Arkansas. That is what I had particular reference to.

Mr. GALLINGER. But, if the Senator will permit me, the Judiciary Committee of the Senate, as I recall, has two employees—certainly one employee—more than has the Judiciary

Committee of the House, and I think two. I will look it up in a moment.

Mr. CLARKE of Arkansas. If it is a rule, I do not care to change it; if it is a practice based on comity, I do not care to change it; but I do say that it will set a precedent that will soon be followed in this Chamber when applications are made for the increase of somebody's salary because a similar salary is being paid for similar service elsewhere.

Mr. LODGE. I think this rests on the long practice of the Senate, and a right practice, that each House should fix absolutely the salaries of its own employees throughout, and that the other House should not interfere with them. I think that has been our universal practice, and I think it will be a great misfortune if we do not comply with the wishes of the House. What they choose to pay their clerks, it seems to me, is no business of ours.

Mr. SMITH of Georgia. I should like to ask the Senator from Massachusetts how does he think we ought to find out what the House wishes to pay—by letters written in this way or by what they actually do?

Mr. LODGE. This is a suggestion of the chairman of the Committee on Appropriations, who is responsible for the bill and will be one of the conferees. This amendment, if adopted in conference, will go back to the House, and can not be adopted without the approval of the House.

Mr. CLARKE of Arkansas. For the approval of the entire report on the bill.

Mr. LODGE. Certainly.

Mr. CLARKE of Arkansas. This item can not, then, be singled out for a vote.

Mr. LODGE. They can single out any item they wish and have a vote on it.

Mr. CLARKE of Arkansas. Not on the conference report.

Mr. LODGE. Excuse me; it is perfectly possible to select——

Mr. CLARKE of Arkansas. The conference report must be adopted as an entirety.

Mr. LODGE. Oh, no; but it can not be amended.

Mr. CLARKE of Arkansas. That is our rule.

Mr. LODGE. It can not be amended, but any item can be selected to be acted on.

Mr. CLARKE of Arkansas. What is the use of voting on it if you can not amend it? That would be a naked right.

Mr. LODGE. If the Senator will allow me a moment——

Mr. CLARKE of Arkansas. I think I understand that the object of having a vote is to do something that you want to do.

Mr. LODGE. The practice of the House differs from that of the Senate. They are in the habit of instructing their conferees on specific items of bills, and. if they choose to instruct on this item and refuse to assent to the Senate amendment, it is wholly in their power to do so.

Mr. CLARKE of Arkansas. I understand that is so before it goes to conference; but when the conference report is made it is acted upon as an entirety; it must be adopted as an entirety or rejected as an entirety. There is no such thing as taking out an item of a conference report.

Mr. LODGE. The Senator will remember that we are constantly accepting portions of conference reports in the Senate.

Mr. CLARKE of Arkansas. That is a partial report.

Mr. LODGE. It is a conference report to go back to the House.

Mr. CLARKE of Arkansas. Yes; that is in the case of partial reports from conference committees.

Mr. LODGE. We do not have the practice of selecting items, but it is wholly within the power of the House to do so; and it is within the power of the Senate to do so if it chooses.

Mr. CLARKE of Arkansas. A great many things are in the power of the House to do if attention is ever called to them. What I object to is that this matter may go in the bill as amendment numbered so and so, and the House may never know what it is.

Mr. LODGE. The motion in the House would be to instruct the conferees.

Mr. CLARKE of Arkansas. On a $2,500 clerkship?

Mr. LODGE. In any event, I think it is their business.

Mr. MARTIN of Virginia. Mr. President, as a matter of comity between the two Houses, each House has been permitted since I have been a Member of the Senate to determine the compensation of its own officers and employees.

Mr. CULLOM. That has always been the practice.

Mr. MARTIN of Virginia. I do not know whether or not the compensation asked for in this case is reasonable. I am not in a position, nor are other Members of the Senate in a position, to judge of the labor performed by these clerks and the responsibility imposed upon them, but the chairman of the House committee who, as we all know, was engaged in the impeachment trial, overlooked presenting this matter to the House committee when it had under consideration the legislative, executive, and judicial appropriation bill, and in the last few hours he wrote the letter which has been read. I read it very hastily. I did not know to whom it was addressed, and supposed it was addressed to me, because it was handed to me on the floor by a Member of the House of Representatives. The chairman of the House Committee on Appropriations also had a conversation with me, and there has also been read his letter asking the Senate to put this bill in such a shape that the House can consider these increases of salary. I think it is in accordance with sound usage that we should adopt this amendment requested of us in this way, so that the House may determine what compensation it will pay to its own employees.

When this matter was presented to the committee by me the chairman of the committee stated that the action desired was in accordance with the uniform custom of his committee, but that he would not favor the adoption of the amendment increasing these salaries unless he had a written request to that effect from the chairman of the Committee on Appropriations of the other House, as well as from the chairman of the Judiciary Committee of that body. Both have written such letters; and according to the custom of the Senate, and in view of the comity between the two bodies, I think the amendment ought to be adopted, and I hope it will be adopted.

Mr. BRISTOW. Mr. President, if the House had increased these salaries and the bill had come here containing such increases, of course I would not be disposed to oppose them, although I do not think they would be justified; but if these increases are made, it is fair to presume that the conferees on the part of the House will agree to them, because a member of the House Appropriations Committee, who will be on the conference committee, has requested that this amendment be incorporated in this bill, and the conference report——

Mr. WARREN. Mr. President, that was stated, I think, inadvertently. The chairman of the committee, who has written the letter, will probably not be one of the conferees unless they change the program in appointing conference committees. The members of the subcommittee—Mr. JOHNSON of South Carolina and Mr. BURLESON—would probably be the conferees from the House representing the majority.

Mr. BRISTOW. I had supposed the chairman of the Committee on Appropriations would be one of the conferees.

Mr. WARREN. Not on this particular bill.

Mr. BRISTOW. I may be mistaken about that; but, in any event, when the conference report is agreed upon it will be reported to both Houses, and the House will not have an opportunity to express its desires as to these specific salaries. The only way the House can get at it is to reject the conference report; and it certainly would be an unreasonable proposition to insist upon the rejection of a bill carrying something over $30,000,000 because an increase of $500 had been made in the salary of a clerk. The adoption of this amendment by the Senate will put the House in a position where they can not take the sense of the House upon this particular amendment.

Mr. WARREN. Mr. President——

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

Mr. BRISTOW. Certainly.

Mr. WARREN. I know the Senator wants to be right, and, of course, I have no more interest in this than he has; but, as a matter of fact, the rules of the House provide that no bill shall go to conference except by unanimous consent unless it is referred first to a committee.

In the case of the legislative, executive, and judicial appropriation bill, last year when the bill went back to the House certain matters were passed on. For instance, an amendment offered by the Senator from Ohio as to the Pension Office clerks was taken up on motion of Mr. CANNON and settled before the bill went to conference. Then there were two or three other matters. Almost anything in this bill, under the House rules, can be taken up and be passed on by the House before the bill goes to conference; and it can only go to conference by unanimous consent when it goes over there without first going back to the committee, as I understand the House rules and practices.

Mr. BRISTOW. The chairman of the committee, of course, is very much better acquainted with the details of the House procedure than I am. I was judging from our own rules here.

I want to say, further, that if these employees of the Committee on the Judiciary of the House have earned more than their salary because of extra work that has been imposed upon them as a result of the impeachment trial, then there should be an appropriation made to pay them an additional amount for that additional work; but it seems to me that to increase the salaries of committee clerks and employees away beyond the

amount paid other committee clerks and employees in either body for the same services in this way is a very dangerous thing to do, and I intend to vote against it. It is proposed to pay $1,000 to a janitor. We do not pay that anywhere.

Mr. CLARK of Wyoming. Mr. President, I have no question whatever but that probably the salary of the clerk of the Committee on the Judiciary of the House should be $3,000. I would be glad if it were made that; but it occurs to me that the record in this case will show that if this amendment is adopted the Senate is fixing the salary of the employees of the House. The House sending the bill to the Senate has fixed the salary of the clerk of the Judiciary Committee at $2,500. It may have been through inadvertence, as undoubtedly it was; but notwithstanding that, the fact is that as this bill came here passed by the House it fixed the salary of its own employee at $2,500.

Mr. LODGE. Two thousand.

Mr. CLARK of Wyoming. No; $2,500. It appears in the Senate in that way. We have accompanying that a letter from the chairman of the House Judiciary Committee saying that, in his opinion, the salary ought to be $3,000. We also have a letter from the chairman of the Committee on Appropriations of the House saying that, so far as he is concerned, it ought to be $3,000; but we have the action of the House itself in passing on the bill as having fixed it at $2,500. Now, does not the Senate put itself in the position, if this amendment is agreed to, of saying to the House of Representatives, "We do not take your view as to what the salary of the committee clerks ought to be, but we take the view of the Senate, fortified by the view of the chairman of the Committee on the Judiciary and also of the chairman of the Appropriations Committee"? It occurs to me that, no matter how worthy this appropriation might be, we are putting ourselves in a strange position by seeking to remedy an oversight of the House in this particular way. If the House is in favor of this, I suppose a supplemental bill can be passed fixing the salary of the clerk at $3,000. I am only throwing out this as a suggestion, because I am convinced from what has been said that the salary of the clerk of that committee ought to be $3,000. I am merely suggesting it in the light of the conditions and the circumstances.

Mr. GALLINGER. Mr. President, I think we ought not to hesitate about this matter. The truth is that in the case of the Committee on the Judiciary of the Senate, which presumably has not more help than is needed, the salary list amounts to more than twice that of the same committee of the House; and, while I hesitate to call attention to any committee, for instance, the Committee on Pacific Islands and Porto Rico of the Senate has a salary list larger than that of the Judiciary Committee of the House.

Mr. BRISTOW. Mr. President——

Mr. GALLINGER. The Committee on Expenditures in the Department of Justice of the Senate pays more in salaries than is paid to the employees of the Committee on the Judiciary of the House. I do not mean to allude to any particular committee in any disagreeable way. The House in framing this bill have not interfered with our list of employees; they have been very generous; but it seems to me if we haggle over this matter the House may take a hand in saying that the Senate has more employees than it ought to have and make trouble for us in our appropriation bills.

Mr. CLARK of Wyoming. Will the Senator yield to me for a question?

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Wyoming?

Mr. GALLINGER. Certainly.

Mr. CLARK of Wyoming. Are we not, in taking the action proposed, interfering with the action of the House as to their employees?

Mr. GALLINGER. I think not, inasmuch as the request has come from the chairman of the Committee on the Judiciary and the chairman of the Committee on Appropriations of the House. I think courtesy demands that we should accede to the request, and I do not think it is interfering at all——

Mr. CLARK of Wyoming. That is just the point, Mr. President, with which I had difficulty—that we were interfering with the action of the House. That is what I want to avoid.

Mr. GALLINGER. That does not trouble me at all. I think it is a matter of courtesy that we ought to accede to and not discuss it very much, because if we get into a wrangle between the two Houses as to the matter of the salaries that are paid our employees, I confess I think the Senate would get the worst of it. That is my judgment; and I should like to have this passed over as quietly as possible and let the request be acceded to, and I do not think we will ever hear from it again.

Mr. BRISTOW. Mr. President, I wanted to say in regard to the comparisons which the Senator from New Hampshire has been making, that I do not think they are fair, because the clerical allowance for a Senator is more than that for a Member of the House, and it ought to be, because his constituents embrace the entire State, and he has correspondence with the constituency of every Member of the House from his State. I do not think the comparisons made are at all pertinent to this question.

Mr. CRAWFORD. Mr. President, this looks queer to me. Here is a Senate Committee on the Judiciary. All judicial appointments come before the Senate for confirmation. They are referred to that committee. It certainly has as much work to do as the House committee.

Mr. CLARK of Wyoming. Mr. President——

Mr. CRAWFORD. And we have a clerk. We pay him $2,500 a year.

Mr. CLARK of Wyoming. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Wyoming?

Mr. CRAWFORD. Let me finish this.

Mr. CLARK of Wyoming. Very well.

Mr. CRAWFORD. The House pays $2,500 to its clerk, and it passed an appropriation bill with provision for paying him, as usual, and then it comes over here in this very strange way at the last minute, just after we have refused to give to our own employees in the Senate any increase, after we have refused to consider a proposition made here with relation to our own employees; and when the House has failed to provide for this man, passed the bill without doing it, it comes in here is this peculiar way and asks us to increase the salary of one of its clerks. It is a small matter, but it seems to me a very peculiar proceeding.

Mr. LODGE. Mr. President, it seems to me this debate illustrates just the reason for the comity which has heretofore existed between the Houses. We can not pass on the needs or the requirements of their committees or of their employees. We can not do it properly or intelligently, and we are not the guardian of the House. They have the power to look after their own expenses, and I should resent very much any attempt on the part of the House to say what we should pay our employees.

Mr. CLARK of Wyoming. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Wyoming?

Mr. LODGE. Certainly, I yield.

Mr. CLARK of Wyoming. I want to ask the Senator if the House of Representatives has asked for this?

Mr. LODGE. In my judgment, that point, if the chairman of the Committee on Appropriations and the chairman of the Committee on the Judiciary in the other House are to be called in question as representing the House, does not appeal to me. I think they are responsible to the House for what they do. Their request is published here; everybody in the House will read it to-morrow. If they do not represent the House and the House objects to what they are doing, then it is for the House to deal with them. But I do not think it is for us to question their responsibility.

Mr. ROOT. Mr. President, we know the chairman of the Judiciary Committee of the House and a considerable number of the members of that committee have been here during the entire session attending upon the trial of the Archbald impeachment. They undoubtedly have been very much engrossed in performing their duties as managers, and it is quite natural that they should have overlooked a matter of this kind, and as long as we are told that it is a matter of inadvertence I do not care about standing on details of punctilio about it. I think we ought to accede to it.

Mr. CUMMINS. Mr. President, I am not as familiar with the rules as possibly I ought to be, but I think this amendment is contrary to the rules of the Senate, and I make the point of order against it that it increases the appropriation already contained in the bill, and that it has not been moved by direction of a standing or select committee of the Senate or proposed in pursuance of an estimate of the head of any department, and therefore it is inadmissible under the rules of the Senate.

Mr. WARREN. Will the Senator from Iowa withhold for a moment? There has been some talk here as to the Senate controlling exclusively its own employees and their salaries. I was taught early in my work here that the Senate should control its employees and their salaries, and the House should control its employees and their salaries.

It will be remembered that last year we had a quite large addition—the Senator from Iowa was one of a subcommittee that reported to the full committee on this side—we had in the bill

a great many new Senate places. The point was made by the House that we had added too many and that they had a right—that is, the conferees—to have a say about the employees of the Senate. We contested the matter nearly three weeks in conference, the Senate conferees maintaining that they had the right to control the Senate employees, and that right was finally conceded by the House conferees.

Now, the Senator is right that the correct place to have fixed this item was in the House, but as it is to go into conference, in which the House would be represented, and as it has to go to the House first, they can cut it out if they want to. I very much fear that to change the rule or practice of comity between the House and the Senate may place in jeopardy some amendments of the Senate the retention of which may be deemed desirable.

I have felt that in conference the conferees would not allow higher salaries there than here, probably, and it would be adjusted so that each House could maintain its respective position.

Mr. CUMMINS. Mr. President, I do not believe that the House will recognize this infraction of the rule of courtesy, which permits each House to fix the salaries of its own employees. We have the House bill before us and this is not a *proposition to* reduce the salary.

If a mistake has been made, and one seems to have been made, the method that is suggested is not, in my opinion, the proper way to correct it, and therefore I insist upon my point of order.

The PRESIDING OFFICER. The Senator from Iowa makes the point of order that this amendment is out of order under Rule XVI. The Chair submits that point to the judgment of the Senate. Senators who think it is in order will say "aye," and those that think it is not in order will say "no." [Putting the question.] The "ayes" seem to have it.

Mr. CLARKE of Arkansas. I call for a division.

Mr. CUMMINS. I call for the yeas and nays.

Mr. WARREN. Just call for a division.

Mr. BRISTOW. No; let us have the yeas and nays.

Mr. CUMMINS. As we are to construe a rule of the Senate, I want it done with a proper sense of responsibility.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BRISTOW. May I ask that the question be stated, so that we may know just what we are voting on?

The PRESIDING OFFICER. The question is, Is the amendment in order? Those who say that it is in order will say "yea" and those opposed will say "nay."

The Secretary resumed the calling of the roll.

Mr. DILLINGHAM (when his name was called). I withhold my vote on account of my general pair with the senior Senator from South Carolina [Mr. TILLMAN], who is absent.

Mr. GALLINGER (when his name was called). I again announce my pair with the junior Senator from New York [Mr. O'GORMAN], and I transfer that pair to the senior Senator from South Dakota [Mr. GAMBLE]. I vote "yea."

Mr. PENROSE (when his name was called). I transfer my pair with the junior Senator from Mississippi [Mr. WILLIAMS] to the junior Senator from Maryland [Mr. JACKSON] and vote "yea."

Mr. SIMMONS (when his name was called). I am paired with the junior Senator from Minnesota [Mr. CLAPP], and therefore withhold my vote.

The roll call was concluded.

Mr. CLARK of Wyoming. I have a general pair with the Senator from Missouri [Mr. STONE]. In the absence of that Senator, I withhold my vote.

Mr. THORNTON. I wish to announce the necessary absence from the Chamber of the junior Senator from New York [Mr. O'GORMAN]. He is paired with the senior Senator from New Hampshire [Mr. GALLINGER].

The result was announced—yeas 17, nays 14, not voting 63, as follows:

YEAS—17.

| | | | |
|---|---|---|---|
| Catron | Lodge | Perky | Warren |
| Fletcher | Martin, Va. | Root | Wetmore |
| Foster | Martine, N. J. | Smith, Md. | |
| Gallinger | Page | Stephenson | |
| Jones | Penrose | Thornton | |

NAYS—14.

| | | | |
|---|---|---|---|
| Ashurst | Burton | Poindexter | Smith, Ga. |
| Borah | Clarke, Ark. | Sanders | Smoot |
| Bristow | Cummins | Shively | |
| Bryan | Heiskell | Smith, Ariz. | |

NOT VOTING—63.

| | | | |
|---|---|---|---|
| Bacon | Briggs | Clapp | Cullom |
| Bankhead | Brown | Clark, Wyo. | Curtis |
| Bourne | Burnham | Crane | Dillingham |
| Bradley | Chamberlain | Crawford | Dixon |
| Brandegee | Chilton | Culberson | du Pont |
| Fall | Kenyon | O'Gorman | Smith, Mich. |
| Gamble | Kern | Oliver | Smith, S. C. |
| Gardner | La Follette | Overman | Stone |
| Gore | Lea | Owen | Sutherland |
| Gronna | Lippitt | Paynter | Swanson |
| Guggenheim | McCumber | Percy | Tillman |
| Hitchcock | McLean | Perkins | Townsend |
| Jackson | Massey | Pomerene | Watson |
| Johnson, Me. | Myers | Reed | Williams |
| Johnston, Ala. | Nelson | Richardson | Works |
| Johnston, Tex. | Newlands | Simmons | |

The PRESIDING OFFICER. The vote discloses no quorum.

Mr. WARREN. I give notice that I will ask to take up this bill for completion, if it is the pleasure of the Senate, immediately after the routine morning business to-morrow.

OMNIBUS CLAIMS BILL.

Mr. CRAWFORD. I desire to give notice that to-morrow, at the conclusion of the consideration of the legislative appropriation bill, I shall ask the Senate to resume the consideration of the omnibus claims bill.

Mr. WARREN. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 57 minutes post meridian) the Senate adjourned until to-morrow, Thursday, January 16, 1913, at 12 o'clock meridian.

## HOUSE OF REPRESENTATIVES.

WEDNESDAY, *January 15, 1913.*

The House met at 12 o'clock noon.

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

O Thou who knowest the beginning and the end, and who holdest in Thy grasp the destiny of men, prepare us with fortitude to meet whatever may come to us this day, in joy or sorrow, victory or defeat, and give to us the courage and the strength to do our duty as it is given us to see it. In the spirit of the Lord Jesus Christ. Amen.

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

INCREASE OF JAPANESE IN CALIFORNIA.

Mr. RAKER. Mr. Speaker, I ask unanimous consent to address the House for three minutes.

The SPEAKER. The gentleman from California [Mr. RAKER] asks unanimous consent to address the House for three minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. RAKER. Mr. Speaker, as to the question whether or not the Japanese are increasing in California, or liable to increase, contrary to a statement that is being circulated, I desire to have the Clerk read an article in the San Francisco Chronicle, of January 8, 1913.

The SPEAKER. Without objection, the Clerk will read.

The Clerk read as follows:

ONE BRIDE IN EVERY SEVEN IS JAPANESE.

SACRAMENTO, *January 7.*

One-seventh of all the marriages in San Francisco are between Japanese subjects, according to George Leslie, statistician of the State board of health. During the year 1912 San Francisco had 6,102 marriages, and of this number 867 brides were of Japanese nativity, or 14.2 per cent. For 1911 the proportion of Japanese brides was only about one-tenth, the total number of brides being 5,226, of which 553, or 10.6 per cent, were from the Flowery Kingdom. Many of the Japanese brides are said to be recently arrived "picture brides," who are married American fashion.

Mr. RAKER. Now, Mr. Speaker, I yield the balance of my time.

LANDS IN STANDING ROCK INDIAN RESERVATION, SOUTH AND NORTH DAKOTA.

Mr. STEPHENS of Texas. Mr. Speaker, I desire to ask unanimous consent to call up Senate bill 109, an act authorizing the sale and disposition of the surplus and unallotted lands in the Standing Rock Indian Reservation, in the States of North Dakota and South Dakota, and making appropriation and provision to carry the same into effect, and to agree to a conference asked by the Senate on the bill.

The SPEAKER. The gentleman from Texas [Mr. STEPHENS] asks unanimous consent to agree to the conference asked by the Senate on the bill, which the Clerk will report.

The Clerk read the title of the bill, as follows:

An act (S. 109) to authorize the sale and disposition of the surplus and unallotted lands in the Standing Rock Indian Reservation, in the States of South Dakota and North Dakota, and making appropriation and provision to carry the same into effect.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Chair announces the following conferees on the part of the House: Mr. STEPHENS of Texas, Mr. FERRIS, and Mr. BURKE of South Dakota.

QUESTION OF PERSONAL PRIVILEGE.

Mr. SIMS. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. This is Calendar Wednesday, and the gentleman from Tennessee [Mr. SIMS] rises to a question of personal privilege. The gentleman will state his question.

Mr. SIMS. Mr. Speaker, I do not make a practice of asking the House to listen to a question of personal privilege connected with some newspaper remark or report. I do not think a man can afford to do that. But there is an investigation going on now before the House Committee on the District of Columbia with reference to the valuation in part of a building in the city of Washington known as the Southern Building. Witnesses are being examined under oath before that committee, and on the 30th day of December last, I believe it was, there was a witness before that committee, Mr. Charles C. Glover. After making a statement as to everything that was pertinent to the investigation then being made, on page 420, as published, Mr. Glover said:

Mr. JOHNSON. Mr. Glover, do you desire to make any other statement?

Mr. GLOVER. I would like you to indulge me for a moment in connection with a matter that has had some inquiry made in connection with the value of the property known as Massachusetts Avenue Heights. I would like to state very briefly my connection with that property.

In 1906, desiring to bring the Potomac Park and the Rock Creek Park together—that is, assuming that the Zoological Park is a part of Rock Creek Park—I got an option on 100 acres of this property for the sum of $420,000. In 1907 I caused to be introduced into the Senate and House a bill looking to the purchase of this property at the option named, but with $3,000 added by the Commissioners of the District of Columbia for expenses that might be incurred in acquiring it.

Mr. JOHNSON. Who introduced those measures?

Mr. GLOVER. A Member of the House and a Member of the Senate.

Mr. JOHNSON. Do you recall whom?

Mr. GLOVER. I do not at the present moment. I am not sure that the commissioners did not ask for the introduction of this bill. I took the bill to the then Commissioners of the District of Columbia and they thoroughly approved of the scheme.

My option was for two years, and for two sessions of Congress this property was offered at the price named—$420,000.

Mr. JOHNSON. How was the property described? Was there any particular name for it?

Mr. GLOVER. Yes; it was the property lying between Connecticut Avenue and Massachusetts Avenue Bridges, and ran out to the Protestant Episcopal Cathedral Foundation. There were also 3½ acres south of the Massachusetts Avenue Bridge. It was my intention to continue down Rock Creek until these parks were finally joined. As the panic had created a very extremely critical and serious condition in the money market——

Mr. JOHNSON. Which panic?

Mr. GLOVER. The panic of 1907, which ran well into 1908 and 1909. I endeavored to have this option renewed for another year, having failed within the two years to cause the passage of this bill. After much difficulty I succeeded in having it continued for another year, in writing. A short time ago somebody told me that I had better get the CONGRESSIONAL RECORD of 1909, of March 3; that I would probably find therein the cause of what I have been told has frequently occurred—a defense of my character by my friends before members of the House committees. Mr. Judson has told me that frequently he has had to defend me.

Mr. JOHNSON. In this committee?

Mr. GLOVER. In this committee, no; other committees of the House, and dating three years back.

I read this record for the first time about a week ago, and I find, Mr. Chairman, this statement by Mr. ANDRUS, of New York.

Mr. GEORGE. What is the date of that?

Mr. GLOVER. March 3, 1909; and I am reading from page 3877 of the CONGRESSIONAL RECORD. There is a good deal more of it, but I just want to read this statement, because it bears directly on what I have to say:

"Mr. NORRIS. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. ANDRUS]. [Applause.]

"Mr. ANDRUS. Mr. Speaker, the work of a session of Congress apparently is never completed until we have some little discussion in regard to an appropriation for the purchase of land in Rock Creek Park. My time is rather limited, but at the outset I want to state how I stand on parks. I am in favor of parks, as I am in favor of public schools, in favor of churches; churches to grow a better moral influence in the community, schools so that the children may acquire an education, and parks where the children can play and grow bone and muscle and nerve to help them bear the heavy burdens of life that will follow. I would like to give you just a hasty résumé of this matter for four years. On March 27, 1906, Senate bill 5289 called for $600,000. On the 27th of March a Senator wrote to the president of the District Commissioners asking certain information, and among the information asked for I find this.

"I read from his report. It is calendar No. 2811, near the bottom of the third page:

"'The price named in the bill, $600,000, for about 437,000 square feet of land, or about $1.37 a square foot, is in excess of the estimated value of the land by the board of assessors, their value being $230,000.'

"Mr. Speaker, I have had some experience, having bought a few lots during my life, and I found the assessor's value, as a rule, a pretty good criterion on which to act. On March 30, 1906, evidently a conscience was pricked, and a bill, H. R. 5102, was introduced for $550,000—$50,000 less. On February 16, 1907, conferees of the House and the Senate came to an agreement of $475,000, but it was not satisfactory to the House Committee on Public Buildings and Grounds, and the matter was dropped with the expiration of the Fifty-ninth Congress.

"The thing took on new life, and on January 27, 1908, the bill S. 4441—which I have here—was reported for $423,000, a gradual coming down. That bill went directly to one of the appropriation committees, and on May 26 last, under a suspension of the rules, it was defeated by a vote of 57 for and 164 against.

"Mr. NORRIS. That was this same bill?

"Mr. ANDRUS. This same bill that is brought up to-day. Now, what have the Government and the people lost in these three years? We are talking now about $423,000 as against $600,000 three years ago, a saving to some one of $177,000. The interest on $600,000 for three years at 2 per cent is $36,000. It makes a total of $213,000. It may be a small sum in this House, but, Mr. Chairman, there are 10,000 boys in my district who would be exceedingly happy if in a legitimate way they could make that money in three years. [Applause.]"

I want to now read what Mr. SIMS, of Tennessee, has to say on the same subject:

"Mr. NORRIS. I yield five minutes to the gentleman from Tennessee, Mr. SIMS.

"Mr. SIMS. Mr. Speaker, when this identical bill, without the change of a letter, was voted on by yeas and nays in this House on the 26th day of May last, 164 noes were recorded as against 57 ayes. How many gentlemen are going to change, and what reason are you going to give for your flop in so short a time? Now, there will be a yea-and-nay vote at this time on this bill, and you will have to explain some day why you changed in so short a time, without any new evidence or any new reason given for the change. There is no option on this land at this time. I will read from a statement made by Mr. Charles Glover in the hearing before the Committee on Appropriations last year, before this bill was voted on in May last.

"'The CHAIRMAN. How is it, Mr. Glover, with respect to the 88 or 98 acres; would it be possible for you to have the option renewed another year?

"'Mr. GLOVER. No, sir; that is out of the question, Mr. Tawney. They have assessed this ground at $7,500 an acre. The assessment has gone up tremendously.

"'Mr. FITZGERALD. The assessed valuation of it?

"'Mr. GLOVER. Yes; they have put it up enormously, and justly so. It is a pretty fine piece of ground. Bell told me the other day that they hardly knew what to do about this thing.

"'The CHAIRMAN. You think it would be impossible to renew the option?

"'Mr. GLOVER. Absolutely.

"'The CHAIRMAN. When will the option expire?

"'Now listen——

"'Mr. GLOVER. With this session of Congress.'"

I succeeded, after many conferences and much difficulty, and owing to the fact that the panic had made it almost impossible to borrow on that character of real estate, in securing an option for another year. This is the debate at the end of that last year that this property was offered to the Government of the United States.

Mr. SIMS continued as follows:

"That was the last session Mr. Glover said this option expired. When has it been renewed? If he told the truth then, and I do not question his veracity, there is no option on that land at this time. I was told by as good a Member as there is in this House that another Member, who is a Member now, is interested in one of the syndicates mentioned by Mr. Glover, in one of these pieces of land. Are you going to be influenced into enacting such legislation as this under suspension of the rules?

"Mr. CLAYTON. May I ask the gentleman a question?

"Mr. SIMS. Certainly.

"Mr. CLAYTON. Do you think it is fair to the membership of this House to make that statement without naming the man or at least giving the authority?

"Mr. SIMS. The gentleman who told me is in his seat on the floor of the House at this moment, and he can tell the name of the Member if he so desires.

"Mr. CLAYTON. On which side of the Chamber?

"Mr. SIMS. On the other side of the Chamber.

"Mr. CLAYTON. What is the color of his hair?

"Mr. SIMS. Oh, his hair is all right.

"Mr. CAMPBELL. I think that if the gentleman has any information upon that subject he ought to name the man.

"Mr. SIMS. The gentleman who told me is present, and he will tell you that a Member of this House is now or was, interested in one of these pieces of land, and has used his personal influence heretofore to pass this bill.

"Mr. CLAYTON. I insist that the gentleman from Tennessee ought to give the name of the Member from whom he obtained that information.

"Mr. SIMS. Oh, he is now in the Chamber.

"Mr. CLAYTON. I want to hear all the information and I insist that he furnish the name. Give us the name.

"Mr. SIMS. The gentleman who told me is on the floor of the House; he can give it.

"Mr. CLAYTON. Name him.

"Mr. SIMS. I will not name him. He is here and hears what I say. Will giving the name tend to prove anything except this: That whenever people in this District have land they can not sell to anybody else they try to sell it to the Government before it goes up? They started in on this tract at $600,000 and now they have got it down to $435,000. Of course, the gentleman from Ohio, Mr. BURTON, and the other gentlemen who have spoken in behalf of this bill, did not know that any Member of the House was interested in any of this land."

Mr. Chairman, the statement that I offered that property to the Congress of the United States at $600,000; that I was pricked by conscience and reduced the sum to $550,000; that it was embodied in any bill by my authority at $475,000, or, as Mr. SIMS says, it is now before this House at $435,000 is an absolute and unqualified falsehood. I never offered the property save at the one single price of $420,000 plus the $3,000 added by the Commissioners of the District of Columbia.

As that charge stands, I can well understand why Maj. Judson has had to defend my character before some Members of the House. It leaves me, instead of being a public-spirited citizen, a man with an option on a piece of property at $420,000 endeavoring to palm it off on the Government of the United States at $600,000.

I do not believe, Mr. Chairman, that these gentlemen intended to make an untrue statement, but the bill was before them. Here is the identical bill, and the last clause of that bill says that the price of that land was $423,000.

Mr. Speaker, I have examined Webster's Unabridged Dictionary as to the definition of the word "falsehood." True, the dictionary does not set out any distinction between an "absolute and an unqualified falsehood" and any other kind, but Webster says:

A falsehood is a deliberate, intentional assertion of what is known to be untrue; a departure from moral integrity; a lie.

As I say, this is in a sworn statement made before a committee of the House, and it becomes a part of the record of Congress and will remain here for all time.

I want to say, Mr. Speaker, that any Member of this House who in debate on the floor of the House makes a false statement about what is pertinent to be considered at the time and misleads the Members of the House and causes them to vote otherwise than they would ought to be expelled. No such man has any business in this House.

Now, I do not propose to do anything more than to give the facts. I am aware that Members of the House under the privileges of this House can get up and denounce individuals and make derogatory statements about men, and under the law they can be held responsible for it nowhere else. Consequently, I do not think it is a manifestation of great moral or physical courage to get up here and denounce individuals, when you can not be called to account for it, but I do think that when a Member is assailed in this way, under the solemn form of an oath, that a Member owes it not only to himself, but also to the House, to state the facts, and let the facts themselves constitute the characterization of the man who made it.

Now, this statement was made in connection with a bill that was before the House for a number of years, beginning several years ago, known as the Rock Creek Park addition bill, or a bill seeking to acquire about 100 acres of land in part lying on Rock Creek Valley, between Connecticut Avenue and Massachusetts Avenue, running out more or less at right angles to Rock Creek in the direction of the Cathedral Foundation, or the Cathedral School. That bill never came to any committee of which I was a member, but bills for that purpose had been considered before the Committee on Public Buildings and Grounds and before the Committee on Appropriations. In 1908, however, the Senate passed a bill, Senate bill 4441, pertaining to said lands.

Now, this gentleman, Mr. Charles C. Glover, had an option on the land, as he explained it, by which he could buy it for $420,000, and he added $3,000 to cover any expenses that might be incurred in connection therewith, making $423,000. He claimed to want the Government to own it for park purposes. This project had been examined several times, had been before the House several times, but the bill had never gotten through. By that I do not mean this particular bill, but a bill seeking to acquire this land had been before the House several times, but it never had passed.

This bill (S. 4441) passed the Senate and came to the House and was sent to the Committee on Appropriations, and that committee made the following report, report 1681, to accompany Senate bill 4441. The whole report consisted of four lines, and read as follows:

Report to accompany S. 4441.

The Committee on Appropriations, to whom was referred Senate bill 4441, to acquire certain land in the District of Columbia as an addition to Rock Creek Park, having considered the same, report it back herewith and recommend its passage.

There is absolutely not a line in that report to give anyone any information as to the desirability of that purchase, or anything about it. But I am not criticizing the Appropriations Committee about that, because the matter had been before the House so often that the subject was very well understood by Members who had been in the House when bills for the same purpose had formerly been considered, and they knew perfectly well what was referred to.

There was an attempt to pass this same bill at a former session of the House, but it was voted down. To be accurate, I will give the exact figures. I believe the vote was 57 for it and 164 against it.

The bill, of course, remained on the calendar, because that vote was on a motion to suspend the rules. On the 3d of March, 1909, the last day of that Congress, when, as we all know, we have to stay up all night to consider conference reports and matters of that kind, there was a motion made to suspend the rules and pass this bill, and it was debated for 20 minutes on a side. I did not happen to be in this Chamber at the time the motion was made, but came in while it was under discussion, the gentleman from Nebraska [Mr NORRIS] having demanded a second. The gentleman from New York [Mr. ANDRUS], who was a member of the Committee on Public Buildings and Grounds, had five minutes' time given him, and he made some remarks pertaining to the bill, because it had been before his committee, in which he said what I have already read to the House, and which appears in Mr. Glover's testimony.

I heard the remarks of the gentleman from New York [Mr. ANDRUS], and I was yielded five minutes, in which I discussed the bill as best I could from what I knew of it, and I did say, as appears in the RECORD, that whenever people in this district have land they can not sell to anybody else they try to sell it to the Government before it goes up; that they started in on this tract of land at $600,000, and now they have got down to $435,000; that, of course, the gentleman from Ohio [Mr. BURTON] and other gentlemen, who had spoken in behalf of this bill, did not know that any Member of this House was interested in any of this land.

Now, the facts were that the bill was for $423,000. I am quoted in the RECORD as saying $435,000. Now, at nearly the hour of midnight, on the last day of the session, on a motion to suspend the rules, when there was no time to investigate and understand anything, almost anyone was liable to be misled. But the gentleman from New York [Mr. ANDRUS] spoke before I did and read from a report by Senator GALLINGER, made April 23, 1906, to accompany Senate bill 5201, which did give the report of the Commissioners of the District of Columbia with reference to this tract of land; but as that bill, which this report accompanied, also embraced another tract of land, known as the Meridian Hill tract, the two being together, the gentleman from New York [Mr. ANDRUS] made the mistake of reading from that part of the Senate report which referred to the Meridian Hill property instead of this Rock Creek Park addition. He read it at the time. He held the report in his hand, and that report of the Commissioners of the District of Columbia contained the very language quoted by the gentleman from New York [Mr. ANDRUS], which I heard, and which I believed. Therefore, how could the gentleman from New York [Mr. ANDRUS] or myself, either of us have made a false statement, knowing it to be false at the time? The number of the bill was given by the gentleman from New York [Mr. ANDRUS], the number of the report was given by him and read from in my hearing; but the facts are that not a word in that report or in the speech of Mr. ANDRUS or myself ever charged that Mr. Glover had an option on that land at $423,000 and was trying to sell it to the Government at $600,000. I will admit that by Mr. ANDRUS saying it was this identical bill, and reading from the report of the Senate committee made on the same item in a former bill, I did think myself that was what it referred to, not being a member of the committee that had investigated it. But, Mr. Speaker, the report I have just mentioned, by Senator GALLINGER, is as follows:

Mr. GALLINGER, from the Committee on the District of Columbia, submitted the following report to accompany S. 5201:

The Committee on the District of Columbia, to whom was referred the bill (S. 5201) to acquire certain land in the District of Columbia as an addition to Rock Creek Park, having considered the same, report thereon with the following amendments:

On page 1, line 14, before the word "which," insert the words "and the location of proposed new streets."

On page 3, line 14, after the word "therefrom," insert the words "along the center of a proposed new street."

On page 3, line 16, after the word "line" where it first occurs, insert the words "following the center line of a proposed new street."

On page 6, line 1, after the word "plan," strike out the words "as 90 feet in width."

On page 6, line 2, after the word "are," strike out the word "not," and after the word "for," in the same line, strike out the words "in said plan" and substitute the word "herein."

Add sections 7, 8, 9, 10, and 11 to the bill.

Also amend the title so as to read: "To acquire certain land in the District of Columbia as an addition to Rock Creek Park and in Hall and Elvan's subdivision of Meridian Hill for a public park."

Two bills, (S. 5201) "To acquire certain land in the District of Columbia as an addition to Rock Creek Park" and (S. 5289) "To acquire certain ground in Hall and Elvan's subdivision of Meridian Hill for a Government reservation," were submitted to the Commissioners of the District of Columbia for examination and report, and their replies are hereto appended, as follows:

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
*Washington, March 27, 1906.*

SENATOR: The Commissioners of the District of Columbia have the honor to submit the following on Senate bill 5201, Fifty-ninth Congress, first session, "To acquire certain land in the District of Columbia as an addition to Rock Creek Park," which you referred to them for report touching the merits of the bill and the propriety of its passage.

A blue print is inclosed, showing, on a large scale, the pieces and parcels of land proposed to be condemned for the addition to Rock Creek Park, and also a map on a smaller scale showing the relation of the proposed addition to Rock Creek Park and the connection between the two.

Rock Creek Park as now established starts at the District line, extends along both sides of Rock Creek to the Zoological Park, and then south of this latter park in a narrow strip along the east side of Rock Creek to Massachusetts Avenue. South of this point the United States owns a small strip of land about 500 or 600 feet in length, bought for the use of the Washington Aqueduct.

The addition proposed by this bill joins this latter part of the park. It will lie along the west of Rock Creek, and extends up the valley of a small branch running about parallel to Massachusetts Avenue. The valley of this branch is very deep, and the tract of land abutting the creek is well wooded with large and beautiful trees, making it an ideal piece of property for park purposes. The tract proposed to be acquired extends about 4,000 feet along Rock Creek and northwest about 4,000 feet along Massachusetts Avenue, with a width of 500 to 1,000 feet.

The tracts included in the proposed addition have been owned by two or three estates, which up to the present time have not developed the property. Recently, however, in continuation of the rapid development of that section, a large tract of land has been purchased by a syndicate

and arrangements are being made to lay off the land into lots and blocks for the purpose of building. This tract includes about 88 acres of the land this bill proposes to purchase for park purposes, and unless the land is acquired by the Government it will undoubtedly be built upon within a short time. All of this section will probably develop rapidly during the next year or two and the value be greatly enhanced.

In determining on the part of these tracts to be used for park purposes, it was endeavored to leave what was most suitable for building purposes and take for park purposes such part as was best adapted to such use. The area of the land proposed for a park is about 100 acres, and the price is about $4,200 per acre, which is considered to be reasonable, in view of all the circumstances. Options are held on it so that it can all be acquired at such figures as to bring it within the amount appropriated in the bill.

It is further provided in the bill that a small piece of property belonging to the United States lying south of Massachusetts Avenue may be exchanged for an equal amount of land lying to the north. The Naval Observatory grounds are located in this vicinity. The original grounds of the observatory contained about 75 acres, irregular in shape. The opening of Massachusetts Avenue and Observatory Circle, in accordance with the authorized system of highway extension, leaves two strips of the original tract—one on the north of Massachusetts Avenue, containing 14 acres, and one on the south side of the avenue, lying in the angle between Massachusetts Avenue and Observatory Circle, containing about seven-tenths of an acre. This latter strip is proposed to be exchanged. It is of little value to the observatory or to the United States on account of being separated from the remainder of the holdings of the observatory by streets, so that it would seem desirable to exchange it, as proposed in the bill, for an equal amount of land that can be used. The 14 acres to the north can be used as part of a park or such other use as the United States may desire.

The bill further provides that a short section of a projected street called Benton Street shall be abandoned as a highway. This is private property, and the provision means simply that the system of street extension is changed to that extent. It can be seen from the small map that this street will be superfluous if the land is acquired for park purposes.

The bill further provides that the landowners surrounding the proposed park shall dedicate 30 feet for a street and establish a building line of 15 feet, and that the United States shall do the same along the park boundary. This will give a street practically 90 feet wide around the park, which is eminently desirable.

In order to more fully carry out the intention, a few minor amendments are necessary to be made in the bill, as follows:

Insert, in line 14, page 1, before the word "which," the words "and the location of proposed new streets."

Insert after the word "therefrom," in line 14, page 3, the following words: "along the center of a proposed new street."

Insert, in line 16, page 3, after the word "line," the following: "following the center line of a proposed new street."

Strike out the words "as 90 feet in width," line 1, page 6, and also the words "not" and "in said plan," in line 2, page 6. Also insert after the word "for," in line 2, page 6, the word "herein."

The commissioners recommend the passage of this bill as being a measure of public benefit. The land is located within easy access of a large population. It is eminently suited to park purposes on account of the hilly character and the magnificent trees, which could not be grown in many years. It is to-day, although private property, used by many persons as a park, and with the rapid increase of population will certainly prove of the greatest value. The commissioners further believe that, if not purchased before being subdivided and developed, its cost would be greatly increased, and, besides, many of the trees will be cut down and the beauty impaired.

Very respectfully,

HENRY B. F. MACFARLAND,
*President Board of Commissioners District of Columbia.*

Hon. J. H. GALLINGER,
*Chairman Committee on the District of Columbia,*
*United States Senate.*

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MARCH 30, 1906.

SENATOR: The Commissioners of the District of Columbia have the honor to submit the following on Senate bill 5289, Fifty-ninth Congress, first session: "To acquire certain ground in Hall and Elvan's subdivision of Meridian Hill for a Government reservation," which you referred to them for report touching the merits of the bill and the propriety of its passage.

A plat is inclosed showing in blue the land proposed to be condemned.

The object of the bill is to acquire for a Government reservation tracts of land aggregating about 10 acres in extent, lying between Euclid Street, Columbia Avenue or Fifteenth Street, W Street or Florida Avenue, and Sixteenth Street extended, in Hall & Elvan's subdivision of Meridian Hill. The reservation proposed is similar in nature to the small reservations or parks now existing throughout the city of Washington, such as Lincoln Park, Judiciary Square, Garfield Park, Franklin and Lafayette Squares, which reservations add so much to the attractiveness and health of the city. There are no parks of this type north of Florida Avenue and nothing in the shape of public reservations to the south, except some small triangles, nearer than Iowa or Dupont Circle, a mile or more distant, and the nearest large park is the Zoological Park, in the valley of Rock Creek, about three-quarters of a mile away. The land is being rapidly built up as a resident section, and a large section of the subdivisions of Columbia Heights, Mount Pleasant, and Meridian Hill, and, in addition, those living in the portion of the city to the south would make use of this reservation.

An inspection will show the great use of these small parks in the residence sections and will demonstrate their utility, as well as their beauty. This proposed reservation might also be made use of for governmental purposes, such as the construction of buildings, the laying off of gardens, etc. For a small reservation its location is unique. There is no other tract of land in this vicinity which could take its place for such use. It lies along the great boulevard, Sixteenth Street, which connects the White House with Rock Creek Park, and is situated on the crest of the line of hills surrounding the lower valley of the Potomac. All of this crest from North Capitol Street to Rock Creek is now practically built up, so that it is the only space of its kind that remains unimproved.

It has a view over the city and down the valley of the Potomac River, and in the summer is exposed to the southwest breezes prevalent in this section of the country. It extends down the steep slope of a hill from a point between Chapin and Belmont Streets to W Street, and this slope is necessary as a part of the reservation to prevent the construction of houses which would cut off the view and the sweep of the wind. This portion would also give greater diversity in the character of the park. The upper part is flat and well adapted either to the laying out of a garden or the erection of public buildings. To diminish the size of the park would be detrimental to its value as a park.

The price named in the bill—$600,000 for about 437,000 square feet of land, or about $1.37 per square foot—is in excess of the estimate of value of the land by the board of assessors, their value being $230,000. Very little property has changed hands in this immediate vicinity recently, so it is difficult to gauge the value, but from prices paid by the District for the condemnation of Sixteenth Street extended, about five years ago, which amounted to from $1.25 to $1.75 per square foot, and from figures at which it is known some of the owners of the land in this vicinity hold the same, it is not thought that the land could be obtained for less than that named in the bill. In fact, it is due to a large portion of this tract being on the market on account of the settlement of an estate that so low a figure as that proposed in the bill can be obtained. Conditions are improving in that vicinity, and an early increase in the value of the land is anticipated.

The commissioners believe that this is an opportunity to obtain a reservation in the line of those laid out in the original city limits in a locality which is without a park at present and where one is much needed now and will be more needed as this section of the city builds up; that to obtain this reservation will greatly enhance the beauty of the city and its environments and will add greatly to the beauty of the Sixteenth Street Boulevard, and in that way would be of benefit to all the people of the United States, a great number of whom in visting Washington drive on this boulevard; that at the present time the land can be purchased at a more reasonable figure than it can be in a year or two from now; and that there is no other site in the District as suitable for a Government reservation.

The commissioners therefore recommend favorable action on the bill.

Very respectfully,

HENRY B. F. MACFARLAND,
*President Board of Commissioners District of Columbia.*

Hon. J. H. GALLINGER,
*Chairman Committee on the District of Columbia,*
*United States Senate.*

It will be observed that the commissioners recommend the purchase of the properties included in both bills, and for the purpose of simplifying the matter your committee have combined them in one bill, the passage of which is recommended.

Mr. Glover says:

I read this record for the first time about a week ago, and I find, Mr. Chairman, this statement by Mr. ANDRUS of New York.

Now, I want to state that the facts are these about his not knowing anything about it: This debate occurred on the 3d of March, 1909, at night. In the following November, 1909, just before the meeting of the House of Representatives, I was in the city. Some acquaintances of mine were here, and I was showing them the sights. Among others, as I always do, I showed them the Riggs National Bank. It is one of the oldest banks in the city. It is historic, and the building in which it is located is a very fine building. While in there this same gentleman, Charles C. Glover, three years ago last November, spoke to me and said, in substance, that we had made a great mistake in not accepting that piece of property, and he went on to quote from the language that Mr. ANDRUS had used about its being offered at $600,000 and at $550,000, and about my using the words "$435,000." He said himself that that language read by Mr. ANDRUS had reference to the Meridian Hill land and not his—the Rock Creek Park addition—and that Mr. ANDRUS was mistaken. Not having the RECORD before me, I said, "Very likely." I said to him, "I will be glad, Mr. Glover, to correct anything in the RECORD that may have been said to put you in a false light, and anything that you will send to me I will be glad to put in the RECORD."

Mr. SAMUEL W. SMITH, who was then chairman of the Committee on the District of Columbia, was present and heard the very words that I am now telling you, and yet Mr. Glover, under oath, says that he knew nothing about this language, in substance, until a few days before, when his attention was called to it; and I state to you, as a Member of this House, that he talked with me about it three years ago in the presence of Mr. SAMUEL W. SMITH in a very pleasant manner.

Now, my opposition to the purchase of this land was that the Government did not need it and that it was under option. He stated, as you will see in the hearings which I have quoted, that he got an option in 1907; that in two years he had difficulty in renewing it; but on account of the panic and the conditions prevailing and the difficulty of borrowing money on such property he got it renewed one more year. I said in the debate that some people having land in the District of Columbia that they could not sell to anybody else tried to unload it on the Government, and when I use the word "Government" I mean the District of Columbia or the Government of the United States, or both.

He offered the land to the Government for $423,000—about $4,000 an acre. He stated himself in the hearing before the Appropriation Committee:

The CHAIRMAN. How is it, Mr. Glover, with respect to the 88 or 98 acres; would it be possible for you to have the option renewed another year?

Mr. GLOVER. No, sir; that is out of the question, Mr. Tawney. They have assessed this ground at $7,500 an acre. The assessment has gone up tremendously.

Now, the assessment is at two-thirds value, and as this was assessed at $7,500 an acre it was worth $11,200 an acre, and he had an option on it and the right to buy it at $423,000. At what he swears was then the value—over $1,100 an acre—he would make nearly, if not quite, a million dollars.

Now, if that language was true, and he says that it was and swears to it, the assessment shows that if he could have exercised his option, paid for it, and could have given the Government more than half of it he would have made a big profit out of the balance.

But he did not exercise that option. He let it go back to those who held the property or the option or contract on it. What has happened since? About a year ago the owners, or those acting for the owners, dedicated to or contributed to the District of Columbia 17½ acres of this land for nothing, to be used for park purposes. What does that prove? Does it not prove what I said—that when a man had land in the District he could not sell to anybody else he tried to unload it on the Government?

Now, I have a map here, and I wish I could hold it up so that you could all see it. The part marked in green is the part deeded to the Government. Here is Rock Creek, and this is the boundary on the westward part of the 84½ acres. Now, they have deeded the part that is marked here in green, lying along Rock Creek, and the green strip the entire length away up to the extreme western line of that land. They have absolutely dedicated it for nothing to the District of Columbia or the Government. Only three years ago they undertook to have Congress buy it at $4,000 an acre. At that rate it would have been worth $70,000.

Mr. MONDELL. Will the gentleman yield?

Mr. SIMS. Certainly.

Mr. MONDELL. Was the grant to which the gentleman refers made with the understanding that a road would be established and improved?

Mr. SIMS. It was given for park purposes, and that is all I know about it. That is what the assessor told me. Now, I want to tell gentlemen of the House what this strip is. It is a gulch, a deep ravine, between precipitous hills. It is a great advantage to have the Government take charge of it and improve it, a great advantage to those owning the adjoining land.

Mr. MONDELL. Is that the gulch up by Sixteenth Street?

Mr. SIMS. Oh, no; this is between Connecticut Avenue and Massachusetts Avenue. If the land was worth what Mr. Glover said it was before the Appropriations Committee—$11,250 an acre—then they deeded as a gift, dedicated to the Government or the District of Columbia nearly $200,000 worth of real estate, 17½ acres.

So I was right when I said that some people owned land in this District who, when they could not sell it to anybody else, lobbied around this House and the other end of the Capitol to turn it loose on the Government, because that is what has happened as to this identical piece of land.

What else has happened? I have not the slightest disposition to treat Mr. Glover unjustly. I have no quarrel with him. I have no reason to quarrel with him. He had a right to do this thing and to pursue his own course. I have not noticed anything unusual about Mr. Glover except that he appears to be a man of excessive modesty and rarely ever alludes to himself in connection with the discussion of any matters. He takes great credit for the acquisition of Rock Creek Park, acquiring 1,600 acres for about $1,200,000. Under oath he admitted that the land in Rock Creek Park that he takes so much credit for was unloaded on the Government at eight times its assessed value. In other words, he is a man who is disposed to help the Government by "causing" it to buy something at five or six times its market value, and then boasts of it.

Mr. MARTIN of South Dakota. Will the gentleman yield?

Mr. SIMS. I will.

Mr. MARTIN of South Dakota. How does the gentleman explain the statement that this property, which he says is comparatively valueless, appears to be assessed at $7,000?

Mr. SIMS. $7,500 per acre. I do not know, but Mr. Glover in the same testimony says that the land is now worth two to four million dollars on account of the rapid increase in value, but he never told the committee that many hundred thousands of dollars had been expended in improving the western portion of the land.

Another thing about which I think Mr. Glover was not candid or frank: In all the hearings that I have read, before the Committee on Appropriations, and in all of the talks that I had with Mr. Glover himself, or had up to the time this bill was considered, he never for one time told us that a then Member of the House owned part of the land embraced in this option. According to Mr. Glover's statement the land was worth over $11,000 an acre at the time he made the statement, and he was buying it for $4,000 an acre. He was simply offering to sell it to the Government without profit, but the Member of the House who owned part of the land was offering to sell it to the Government through that option at a loss, which was no discredit, if the facts had only been known. Why did he not tell us that one of our own Members thought so much of this for park purposes that he had agreed to let his part of the land go at this reduced, sacrificial price; but not a word of this did he ever mention. In the hearings before the subcommittee of the District Committee he never said a word about 17½ acres having been since deeded to the District of Columbia, and in a long statement of his, in which he tells what he had to do in acquiring Rock Creek Park, he goes on to state that afterwards he bought some land beyond a reservoir out on Sixteenth Street at from $1,000 to $2,500 an acre. He states also that since that time he has sold some of the land that cost him $1,000 to $1,100 an acre for $11,000 an acre. What else does he say? He claims to be the father of Rock Creek Park, the father of the movement. In his characteristically modest language, as will be seen all through these reports and hearings, he says that he caused the bill to be introduced; that he caused it to pass—"I did this, I did that, I did the other"—and among other things that he named three of the commissioners who were appointed to look after this Rock Creek original acquisition.

I desire to refer here to a section in the law by which Rock Creek Park was acquired. The law says, in reference to the acquisition of Rock Creek Park, that the—

commission having ascertained the cost of the land, including expenses, shall assess such proportion of such costs and expenses upon the land, lots, and blocks situated in the District of Columbia especially benefited by reason of the location and improvement of said park, as nearly as may be in proportion to the benefits resulting to such real estate.

What are the facts? There never was a dollar of improvements assessed against any of the abutting property, any of the adjoining land that was sold, according to his own statement, at eight times the assessed value. Yet he has the nerve to say that there was no improvements, no added value to the adjoining lands, when he admits himself that long afterwards he bought some land near this park at $1,000 to $1,100 an acre and has since sold it for $11,000 an acre.

When the chairman of the committee, the gentleman from Kentucky [Mr. JOHNSON] called his attention to this and asked why these assessments for benefits could not still be made, what does this modest man say? He replied:

Mr. Perry could give you the fullest information on the points on which you wish to be informed. I hope Mr. GEORGE's suggestion will not be carried out, however, as I own quite a little patch of land out there.

He says that he hopes Mr. GEORGE's suggestion will not be carried out, because he owns a little patch of land there, and the record shows by his own statement that it is 45 or 50 acres This public-spirited, high-minded gentleman, who is working for the public good, and who, as a result of the purchase of this land by the Government at eight times its assessed value, has property of his own, acquired since that time, which is now worth six, seven, or eight, or ten times as much as it was then, is not willing that the benefits be assessed against the adjoining property.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. SIMS. Yes.

Mr. MOORE of Pennsylvania. In this Rock Creek Park matter did not a majority of the House vote with the gentleman from Tennessee?

Mr. SIMS. Why, it was almost a solid vote.

Mr. MOORE of Pennsylvania. That is what I thought.

Mr. SIMS. Only 31 Members on the roll call of March 3, 1909, voted to pass that bill.

Mr. MOORE of Pennsylvania. Does not the gentleman feel that he has the confidence of the House in the proposition that he is stating, and that he has had it all along in this Rock Creek matter?

Mr. SIMS. From everything that I can see, I think I have.

Mr. MOORE of Pennsylvania. I was wondering whether the confidence of the House was not enough to satisfy the gentleman.

Mr. SIMS. But here is a sworn statement put into the record of hearings by a committee of this House, and I feel that it is due to Mr. ANDRUS, an old and honest Member of the House from the State of New York, to state the facts. Mr. ANDRUS read a report from the Senate committee, and made no

statement which was unauthorized by that report, with the exception that he read a part that applied to the wrong tract of land.

Mr. MOORE of Pennsylvania. On the original proposition did not the gentleman from New York [Mr. ANDRUS] vote with the gentleman from Tennessee?

Mr. SIMS. Yes.

Mr. MOORE of Pennsylvania. And I think most of the Members of the House stood with him.

Mr. SIMS. All but 31.

Mr. MOORE of Pennsylvania. Was it not the sentiment of the House, as expressed by the vote, that the price asked for that land was entirely too high?

Mr. SIMS. Yes; 31 for and 192 against was the vote.

Mr. MOORE of Pennsylvania. I was wondering whether the gentleman ought not to be entirely satisfied with the situation as it is.

Mr. SIMS. I am satisfied so far as those Members of the House are concerned who know anything about it. But every newspaper in Washington printed in substance what this gentleman has stated, and one paper printed the entire matter as related by him. It must have been a paid advertisement.

Mr. MOORE of Pennsylvania. I have so much respect for the gentleman from Tennessee [Mr. SIMS] that I hoped he would not get so serious over what the newspapers say, because they say things about every Member of the House, and it is just as likely to happen to one as to another. And if everyone was to rise to a question of personal privilege because of newspaper reports there would not be much time for any other business.

Mr. SIMS. If it had been a newspaper report only I would not have said anything about it. But it is a sworn statement and a permanent record of the committee.

I want the Members of this House and of the next House to understand this thing. I have always had a suspicion of anybody who gets option on lands and comes to try to sell them to the Government. The Government does not need anybody's option. Private concerns have to do this thing. They have to get land by contract. The United States has the power of condemnation and can acquire it in spite of the owner, and the owner is entitled to full value for it, and I do not think it reflects any credit upon a banker of large means to have acquired an option on land at not much more than one-third of its value from private owners and then sell it to the Government even without profit, which is abundantly able to pay all that it is worth. Another thing: I do not approve of the members of the District government going around and getting options on land in this District and then lobbying in either House to have us purchase it. That thing will come again, or things like it, and it is very well for Members of the House to know how these things go. A great Government, worth billions of dollars, with the power of condemnation over every foot of land in this District, can acquire any property it needs, and ought to pay every dollar it is worth. To the extent that I had any part in defeating that bill I am proud of it; I saved the Government $70,000 for 17½ acres, even at the option price. And what else? I saved to you in round numbers $200,000 if the property had been acquired by condemnation, because these 17½ acres have since been given us absolutely for nothing. If I, by anything I did, caused this gentleman's option to expire, so that it was returned to the people who owned that land, and had paid for it, and it is now worth to them two to four millions of dollars, it seems to me they ought to get up and call Mr. ANDRUS blessed. I say that I am opposed to this option business. I hope it will never come up again in this or any other Congress. Let the Congress buy, as it always has bought, under its right of eminent domain, by condemnation. It may pay more for Rock Creek land, as it does in every case, than the market price, but the citizen is entitled to all the property is worth against the Government as purchaser.

As I said to Mr. Glover a few years ago, when he said he was going to quit and have nothing to do with it, that I thought he had done enough, and that I did not blame him for retiring from the field of action, as the Members of the House had not been convinced, and there was no use of him wasting his valuable time among Members of Congress who seemed averse to what he advocated.

Now, I have not said any unkind word in the way of adverse comment on Mr. Glover, but I will leave the question to you as to whether Mr. ANDRUS or myself ought to be expelled.

CONGRATULATIONS OF PORTO RICO ASSEMBLY.

The SPEAKER. The Chair lays before the House the following communication, which the Clerk will read.

The Clerk read as follows:

SAN JUAN, *January 14, 1913.*

HOUSE OF REPRESENTATIVES, *Washington:*

The House of Delegates of Porto Rico upon the opening of the seventh legislative assembly tenders to the House of Representatives of the United States its profound homage of sincere fraternity. Our house, the genuine representation of the people of Porto Rico, after 14 years of reiterated and fruitless demands for liberty and justice, now has absolute confidence that the cause of the great Democratic victory, the principles proclaimed by Jefferson, will from the Capitol and the White House reach Porto Rico. Our people request a new constitution providing for two elective houses, ample legislative powers in all local matters, an executive cabinet composed of bona fide residents of Porto Rico, and other measures of self-government worthy of the high sense of justice of the American people and of the demonstrated capacity and natural right of the people of Porto Rico.

JOSE DEDIEGO, *Speaker.*

LEAVE OF ABSENCE.

Mr. BATHRICK, by unanimous consent, was granted leave of absence, for one week, on account of illness.

CALENDAR WEDNESDAY.

The SPEAKER. This is Calendar Wednesday, and the unfinished business is the bill H. R. 23669.

TOWN SITES IN CONNECTION WITH RECLAMATION PROJECTS.

Mr. RUCKER of Colorado. Mr. Speaker, I ask unanimous consent to address the House upon this matter for two minutes.

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

Mr. RUCKER of Colorado. Mr. Speaker, when this matter came up last Wednesday I was not then informed concerning the condition of my colleague, Mr. TAYLOR of Colorado, who reported this bill. Since then I have ascertained that he will be here on Saturday, and therefore I would like the House to pass this bill over until next Wednesday, when he can have charge of it. And I ask, therefore, unanimous consent for the passing of this bill from to-day's calendar until next Wednesday's calendar without prejudice.

The SPEAKER. The gentleman from Colorado [Mr. RUCKER] asks unanimous consent that on account of the probable appearance of his colleague, Mr. TAYLOR, who had charge of this bill and reported it, by next Wednesday, that this matter go over until that time as unfinished business.

Mr. MANN. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. MANN. Does the gentleman's request mean that it will come up next Wednesday the first thing, or would it be postponed for any other unfinished business that went over from to-day until next Wednesday?

The SPEAKER. The Chair does not really understand the request the gentleman from Colorado [Mr. RUCKER] preferred. The Chair understands that the House can start in with another bill and have it unfinished business next Wednesday.

Mr. RUCKER of Colorado. My request is, if the gentleman from Illinois will permit, that this bill go over without prejudice and be called up on next Wednesday, just as it is called up to-day, as unfinished business.

The SPEAKER. The Chair would hold that if the request is granted, if the House starts on another bill to-day and it is not finished, that the latter bill would have the right of way.

Mr. MARTIN of South Dakota. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. MARTIN of South Dakota. In the instance the Chair now states, is it correct that, on the disposition of that business, although it might take all of to-day and take both matters over to the following Wednesday, this matter would lose its place?

The SPEAKER. Of course, it is purely arbitrary. But in the judgment of the Chair this bill would follow whatever was unfinished. Is there objection to the request of the gentleman from Colorado [Mr. RUCKER]? [After a pause.] The Chair hears none. The Clerk will call the committees.

ALIEN INSANE.

Mr. BURNETT (when the Committee on Immigration and Naturalization was called). Mr. Speaker, I am directed by the Committee on Immigration and Naturalization to call up the bill H. R. 19544, House Calendar No. 195.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

A bill (H. R. 19544) to amend section 9 of the immigration act approved February 20, 1907.

*Be it enacted, etc.*, That section 9 of the immigration act approved February 20, 1907, be amended as follows:

"After the word 'epileptics' insert the words 'insane persons,' so that section 9 shall read as follows:

"'SEC. 9. That it shall be unlawful for any person, including any transportation company other than railway lines entering the United States from foreign contiguous territory, or the owner, master, agent,

or consignee of any vessel to bring to the United States any alien subject to any of the following disabilities: Idiots, imbeciles, epileptics, insane persons, or persons afflicted with tuberculosis or with a loathsome or dangerous contagious disease, and if it shall appear to the satisfaction of the Secretary of Commerce and Labor that any alien so brought to the United States was afflicted with any of the said diseases or disabilities at the time of foreign embarkation and that the existence of such disease or disability might have been detected by means of a competent medical examination at such time, such person or transportation company, or the master, agent, owner, or consignee of any such vessel shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of $200 for each and every violation of the provisions of this section; and no vessel shall be granted clearance papers pending the determination of the question of the liability to the payment of such fine, and in the event such fine is imposed, while it remains unpaid, nor shall such fine be remitted or refunded: *Provided*, That clearance may be granted prior to the determination of such questions upon the deposit of a sum sufficient to cover such fine and costs, such sum to be named by the Secretary of Commerce and Labor.'"

Mr. BURNETT. Mr. Speaker, there are one or two verbal amendments to that bill. The purpose of the bill is to penalize the steamship companies for bringing in alien insane. As the law now is, the steamship companies are penalized and required to pay a fine of $100 for bringing in people who are idiots, imbeciles, epileptics, and so on, and, while the alien insane are excludable and deportable now, there is no penalty on the steamship companies for bringing them in.

That is one change. The other change is to increase the penalty in that section from $100 to $200. It is now $100 in the present law, as it stands now. This is to increase that.

I think the bill has the approval of the entire committee, according to my recollection. I know that some gentlemen tried to get it up by unanimous consent a few days ago. Certain gentlemen from New York were very much in favor of it, and gentlemen from other States along the Atlantic seaboard were in favor of it, because the insane asylums in cities along the Atlantic seaboard are being filled with alien insane; and, as I said before, while they are deportable, there is no penalty on the steamship companies under existing law for bringing them in.

Mr. MOORE of Pennsylvania. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Alabama yield to the gentleman from Pennsylvania?

Mr. BURNETT. Yes; I yield to the gentleman.

Mr. MOORE of Pennsylvania. I have just been able to get a copy of the bill. I wanted to ask the gentleman if any change has been made in this bill? I could not hear the earlier part of the gentleman's statement.

Mr. BURNETT. Change in existing law?

Mr. MOORE of Pennsylvania. Change in the bill. The gentleman referred to a couple of committee amendments.

Mr. BURNETT. It is apparent on the face of the bill what they are. In the original bill section 9 of the immigration act approved February 20, 1907, is proposed to be amended so as to read as follows:

After the word "epileptics" insert the words "insane persons."

Instead of that we amend it "so as to read as follows," and then put in the entire section amended.

Mr. MOORE of Pennsylvania. This adds to the classes to be excluded? It adds insane persons, and increases the penalty on the steamship companies from $100 to $200?

Mr. BURNETT. Yes. The insane are excludable now, but there is no penalty, as I say, imposed on the steamship company for bringing them in. It adds insane as one of the classes, and increases the penalty from $100 to $200 for bringing in any of those classes.

Mr. MOORE of Pennsylvania. I understand there are no serious objections to the bill—certainly not on my part—if it is the bill that the committee agreed upon. I ask these questions because I have had no opportunity to examine the bill—the print not being here. Listening to the gentleman's statement I was confused by the remark that there had been some changes of committee amendments.

Mr. BURNETT. Oh, none of committee amendments.

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

The SPEAKER. Does the gentleman yield?

Mr. BURNETT. Yes.

Mr. SABATH. I desire to inquire of the gentleman whether he would have any objection to eliminating that exception in the bill and make it applicable to the railroads as well as to the steamship companies? If it is wrong for the steamship companies to bring in the insane, why is it not just as wrong for the railroads to bring them in from Canada and Mexico?

Mr. BURNETT. I think it is. The attention of the committee was not called to that point.

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

The SPEAKER. Does the gentleman yield?

Mr. BURNETT. Yes.

Mr. GARNER. Has the gentleman ever taken into consideration the question of the expense to the railroad or transportation companies to have experts investigate, for instance, as to the sanity of passengers on all railroad trains? I can illustrate it no better than by saying that in my section of the country a train may have two or three hundred immigrants coming into this country from Mexico. Now, if this bill is to apply to the railroad companies, they would necessarily have to detain that train when it got to the border line for a sufficient length of time to enable an expert to examine all the passengers to determine whether or not any of them were insane and deportable.

Now, this law could properly apply to the steamship companies, because they have plenty of time in which to ascertain whether their passengers are of the nature or character that is described in this bill, whereas the railroad companies coming from Mexico or from Canada could not take the time to do that because they are making two or three daily passages to this country.

I would suggest to the gentleman from Alabama [Mr. BURNETT] and to the gentleman from Illinois [Mr. SABATH] that the complaints which this bill is intended to reach come from New York principally as to the steamship companies, and you have had no complaint from those people who have had to take care of insane coming from Mexico and Canada.

Mr. GARDNER of Massachusetts. Mr. Speaker, will the gentleman yield?

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

Mr. BURNETT. I will yield to the gentleman from Massachusetts after I shall have concluded with the gentleman from Illinois [Mr. SABATH]. I would prefer that this amendment be not made now, and that the bill be not incumbered with it.

The argument of the gentleman from Texas [Mr. GARNER] is not a good one, from the fact that these people are now required to come in at the ports of entry that are established all along the Canadian border line and the Mexican border, and the immigrants have to be examined at those ports of entry; and for that reason it would be no greater hardship to examine them as to their sanity than to examine them as to any other question, as, for example, the question of head tax. If they have lived in Canada for a certain length of time, they have had to pay a head tax on coming from other countries. I think that the argument of the gentleman from Texas is not a good one.

However, I hope the gentleman from Illinois [Mr. SABATH] will not offer an amendment and will let the bill go in as it is.

Mr. MOORE of Pennsylvania. If the gentleman from Alabama would admit that amendment, would he not raise at once the question of the expense and supervision at all the railroad stations and crossings on both border lines?

Mr. BURNETT. Oh, of course, there is no question about that.

Mr. MOORE of Pennsylvania. And the inconvenience to passengers from holding up trains?

Mr. BURNETT. Yes; all that was referred to by the gentleman from Texas.

Mr. MOORE of Pennsylvania. It involves a big, broad question, which will probably interfere with the passage of this bill.

Mr. BURNETT. I think it ought not to be injected into the bill now.

Mr. GARDNER of Massachusetts. Mr. Chairman, in my opinion the principal purpose of this bill is to prevent the infliction of misery on an alien who comes from a long distance away—say Armenia—and gets to Ellis Island and finds that he must be turned back. Experience has shown that the steamship companies often bring doubtful immigrants here on the chance that they will be admitted. This bill is intended to discourage them from taking chances. It is largely a humanitarian bill. No such circumstances surround the rejection of aliens who come here by rail. He has not come from a long distance. He has not made a journey half way around the world in vain. The expense, difficulty, and delay would be great, by the way, in applying this law to the ferryboats crossing from Windsor to Detroit were it not for the fact that the same passengers cross back and forth every day. The reasons which call for this legislation do not apply to emigrants coming from foreign contiguous territory.

Mr. BURNETT. I will state to the gentleman that, as was stated by the gentleman from Texas, there has been no complaint from these border States. The complaint comes entirely from the seaport States—Massachusetts, New York, and other States—where the steamship companies bring in these insane.

Mr. MANN. Mr. Chairman——

Mr. BURNETT. The gentleman from Illinois [Mr. SABATH] desires to address himself to the bill, but I yield to the gentleman from Illinois [Mr. MANN] for a question.

Mr. MANN. I wish to ask a question. The bill, as I understand, only inserts insane persons in this paragraph, and doubles the penalty on the steamship companies.

Mr. BURNETT. That is all.

Mr. MANN. Now, supposing a man is in fact insane when he embarks at some place in Europe to come to this country, but gives no general appearance of insanity. While he is on shipboard he shows that he is insane. Of course, when he comes here he is excluded. Are the steamship companies to be fined for that because they have not made a competent medical examination by an expert alienist before the man starts? A competent medical examination for insanity means a careful examination by an expert alienist, and usually requires days of observation.

Mr. SABATH. Will the gentleman permit me to answer that?

Mr. BURNETT. Yes.

Mr. SABATH. I desire to say, in answer to my colleague, that the bill provides that if it shall appear to the satisfaction of the Secretary of Commerce and Labor that any alien so brought to the United States was afflicted with any of the said diseases or disabilities at the time of foreign embarkation, and that the existence of such disease or disability might have been detected——

Mr. MANN. By means of a competent medical examination.

Mr. SABATH. By means of a competent medical examination at such time.

Mr. MANN. Which means that every person who comes from abroad must have a competent expert alienist examine him as to his mental condition, because no one can tell by a casual observation whether a man is sane or insane unless he is a maniac. The steamship companies can not tell unless they have an expert alienist examine him, and sometimes that requires days of observation, and even then they will not agree.

Mr. MOORE of Pennsylvania. There is no question——

Mr. FOSTER. There is a question about that.

Mr. MANN. About their agreeing?

Mr. FOSTER. About their agreeing, and the reason why. I will say to my colleague that there is no line of demarcation where you can say that upon this side of that line every man is sane and on the other side every man is insane; but there is a large borderland in which possibly no man can say whether people are sane or insane.

Mr. MANN. That is true; and there is a borderland condition in which it takes some time to ascertain.

Mr. FOSTER. I agree with my colleague that unless the symptoms are pronounced no man can tell on a casual examination whether a person is sane or insane.

Mr. MANN. The existing law forbids insane persons coming into the country.

Mr. BURNETT. Yes.

Mr. MANN. The only purpose of this amendment, so far as insane persons are concerned, is to invoke a penalty against the steamship companies for bringing them in.

Mr. BURNETT. That is it.

Mr. MANN. Of course, if a man is insane and the steamship company brings him here, they ought to be fined, but it seems to me somebody ought to have the authority not to require the fine when it would be impossible to have the services of an expert alienist—and that is what a "competent medical examination" means—to examine everybody in advance.

Mr. BURNETT. The same argument might apply against fining them for bringing in tuberculosis patients. Perhaps it would require considerable examination to detect that.

Mr. FOSTER. I take it that this provision in the bill means that an alien coming to this country would present to the steamship company a certificate from a recognized reputable physician in that country from which he comes certifying to the fact that he was of sound mind and body, and that all the steamship company would be expected to do would be to take that sort of a certificate and admit the man; but it would hardly be expected under the provisions of this bill that the company must have a certificate from an expert in that particular line.

Mr. MANN. What is the practice in the administration of the law now? Do the steamship companies take the certificate of any physician?

Mr. BURNETT. Oh, no. There is an examination when they get here, and one result of it is that on account of the congested conditions at New York there are so many who escape examination and the vigilance of the New York authorities that in the State of New York alone the alien insane are costing them $4,000,000 a year; and I notice that just before Gov. Sulzer was inaugurated, Gov. Dix was discussing the calling of a convention of twelve or fifteen of those States whose asylums are being overrun by these people, to take some action to memorialize Congress, asking that the Federal Government support these insane because they allow them to escape the Ellis Island examination and get in. Even if it were to work hardship occasionally, it seems to me better to require this than that this great influx of alien insane should be continued as it has been for the last few years.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. BURNETT. I will.

Mr. MOORE of Pennsylvania. I want to say to the gentleman from Illinois [Mr. MANN] that this bill puts the burden on the steamship company to detect insane persons, and if detected on arrival at the port the steamship company would have to carry them back, and the steamship company would be fined $200 under this bill. Now, there were alienists before the committee—and I say this for the information of the gentleman from Illinois [Mr. FOSTER], who is a distinguished physician—who contended that by merely looking at a man, a specialist trained in the matter of insanity could detect symptoms of insanity; that a man standing at the port and looking at a line of people could pick out those who showed signs of being mentally unbalanced.

Mr. FOSTER. That may be in a certain proportion of cases. But there are a large number, as suggested by my colleague, that it would require a considerable length of time to determine whether a person was sane or insane. For instance, in the Army, in recruiting men for the service, at the large recruiting stations, there is an alienist whose duty it is to observe men enlisted into the Army. They sit there and study the young men from day to day and determine whether they are likely to go insane from some cause that may be brought out in the Army. They are not able to tell by a casual examination whether or not the young man is insane or sane at that particular time, and so they study them for that reason. There are cases, I will say to the gentleman, that are so plain that no one could make a mistake. A certificate given by a physician that that person was sane would involve the steamship company either paying a fine or refusing to accept the physician's affidavit from that particular locality.

Mr. MOORE of Pennsylvania. I did not want to bring on any difference of opinion between experts.

Mr. FOSTER. Oh, I am no expert.

Mr. MOORE of Pennsylvania. I have said that there were witnesses before the committee in support of the bill which provided that alienists should be placed at the various ports to inspect the incoming immigrants, who said that specialists could detect those that were mentally unbalanced, as subjects for special treatment. Their testimony was so clear that I felt that even if members of the committee had to pass, as we do between the tellers, with those alienists standing by, there might be some question whether some of us would get through.

Mr. FOSTER. Let me suggest this to the gentleman, that what they meant was, for instance, in a line of people passing along there may be those that they suspect who would be taken away for further observation. That is probably what they meant when they stated what they did.

Mr. CARY. Will the gentleman from Pennsylvania yield?

Mr. MOORE of Pennsylvania. I am speaking in the time of the gentleman from Alabama.

Mr. BURNETT. I will yield.

Mr. CARY. I want to ask the gentleman from Pennsylvania, who lives in the city of Philadelphia, where these boats arrive, is it true that many men desert ships when they arrive on this side and that vessels go back without a full crew?

Mr. MOORE of Pennsylvania. That is one of the real evils of the immigration law. Men do come to this country shipping as sailors, and I question whether the bill we passed at the last session, the seaman's bill, is effective in this respect. I undertook to offer an amendment to cover that point and it was rejected.

Mr. CARY. They desert and get away and no track is kept of the men.

Mr. MOORE of Pennsylvania. They are gone, but if they are detected by means of their own confession they may be apprehended and deported. The moment they leave the ship they are gone.

Mr. CARY. Has the gentleman any information as to the rumor which I have heard quite frequently—that men who can not pass an examination at the originating port in some way arrange with the steward and hire out as a sailor for the very purpose of getting over here and then deserting?

Mr. MOORE of Pennsylvania. The gentleman is getting down to an interesting point, in which there may be some basis of fact. The question raised by the gentleman from Illinois a moment ago involved that proposition—that we should inspect the emigrants on the other side of the water and not wait until

they get over here and inspect them and take the chance of losing some of them. Shall we put the burden on the steamship company of examining the emigrants before they enter the vessel or put the Government of the United States to the expense of apprehending them after they get here?

Mr. TALCOTT of New York rose.

Mr. SISSON. Will the gentleman yield?

Mr. MOORE of Pennsylvania. The gentleman from Alabama has the floor.

Mr. BURNETT. Mr. Speaker, I have yielded to the gentleman from Pennsylvania, and I now yield two minutes more.

Mr. MOORE of Pennsylvania. Then I yield first to the gentleman from New York [Mr. TALCOTT].

Mr. TALCOTT of New York. Is it a fact that many countries across the water object to making inspection there?

Mr. MOORE of Pennsylvania. I think some of them do. I do not think there is a great desire on the part of the Italian Government to promote emigration.

Mr. TALCOTT of New York. Are there not some countries that have objected to it?

Mr. MOORE of Pennsylvania. Yes. I think Germany has objected to it, and wants to hold her people.

Mr. BURNETT. Mr. Speaker, I will yield to the gentleman from Mississippi for a question.

Mr. SISSON. Mr. Speaker, I want to ask the gentleman from Alabama in reference to his bill. The law now prevents insane persons being admitted to the United States?

Mr. BURNETT. Yes.

Mr. SISSON. In the event a steamship company should bring an insane person, a person that they know to be insane or should have known to be insane by the exercise of reasonable diligence, would there be any penalty now attached to the steamship company for bringing such an insane person here?

Mr. BURNETT. Not at all; that is what this bill seeks to accomplish.

Mr. SISSON. The bill is really for the enforcement of the present law?

Mr. BURNETT. Yes; and to enlarge it.

Mr. SISSON. The law as it now stands is nugatory, because when they do bring the insane person here no penalty is attached to it, and they do not have to carry them back, and they become a charge to the respective States where they come. Is that true?

Mr. BURNETT. They are required to carry them back, and they can be sent back by the steamship company, but no penalty is attached to it. If they escape and get out into the country there is a great deal of trouble to get them deported, and they can not be deported unless you get an order from the Secretary of Commerce and Labor on the company to carry them back.

Mr. SISSON. And in the meantime there is a charge on the community?

Mr. BURNETT. Yes; and on that line this is asked for by the governor of New York, and I notice last year there was an agreement between the steamship company and the hospitals by which the company did agree to take back several hundred that the Secretary of Commerce and Labor had not issued a warrant for.

But it leaves it entirely optional with them to take them back, unless the Secretary of Commerce and Labor orders them deported by these lines, and this is to penalize them for bringing them over.

Mr. SISSON. It was suggested that in a great many countries there was an objection made to the inspection of an immigrant. Would not this law require ship companies to be more careful about the acceptance of an immigrant in foreign ports, and thereby give us the same protection that the Government of those countries decline to give?

Mr. BURNETT. That is the purpose of the law—to make the steamship companies more careful.

Mr. GARDNER of Massachusetts. I think, Mr. Speaker, that the gentleman from Alabama has pointed out to the gentleman from Mississippi the crux of the proposition.

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

Mr. BURNETT. Certainly.

Mr. MURRAY. I merely wish to inquire of my colleague, the gentleman from Massachusetts [Mr. GARDNER], whether or not he understands this evil or unfortunate condition that has been pointed out by the chairman of the committee, as to the burdens placed upon local communities in the care of insane immigrants who have been brought over by the steamship companies, to be a local condition. My understanding is that we are able to transport them back, and the steamship companies are required to transport aliens to the country whence they came, just as soon as the place they came from is determined, and that fact is frequently determined in Massachusetts under our insane hospital boards. I desire to ask the gentleman from Massachusetts if he thinks it is a bad condition from which we are suffering?

Mr. GARDNER of Massachusetts. Mr. Speaker, I did not hear the whole of the gentleman's question, but perhaps I can answer it. Of course when an insane person is turned back in the port of Boston, he is deported at once in the vessel in which he came and at the expense of the steamship company that brought him.

Mr. MURRAY. Yes.

Mr. GARDNER of Massachusetts. If that insane person stays a certain length of time and is found in Boston, he is sent back at the expense of the company. If he has gone into the interior, my impression is that half of the expense to the port of embarkation is borne by the company and half by the United States Government. If he has been here more than a certain length of time, I think three years, we have no power to deport him at all. The gentleman from Alabama can tell me whether that is correct or not.

Mr. BURNETT. That is my recollection of the existing law.

Mr. GARDNER of Massachusetts. As I recollect it offhand, that is the existing law.

Mr. MURRAY. And that is upon the theory that the condition may have been caused since the time of entry into the United States?

Mr. GARDNER of Massachusetts. And also on the general feeling that we must make some limit. For instance, suppose the causes arose prior to entry into the United States, but that after entry the immigrant had married a wife and had children born to him in this country. We have come to the conclusion, after a good deal of discussion, that three years is about the correct time within which deportation may be made, except in the case of prostitutes and procurers, where under another law the Congress of the United States thought otherwise.

Mr. MURRAY. I am not out of sympathy with the legislation, if it seems to be desirable, from the local point of view and from the general point of view, but I have not seen anything in the bill that is at all supplementary of what we now have. In other words, I was inclined to believe that we had pretty general power to look after the situation as it is.

Mr. GARDNER of Massachusetts. I think the gentleman is correct, but experience has shown that these steamship companies will take a big risk if the only penalty is deportation at their expense; whereas, if we put a fine on them for bringing into the country inadmissible aliens, when they could have found out previously that the alien ought not to come in, they will be much more unwilling to take that risk. That is the purpose of the act, as I understand it.

Mr. BURNETT. Mr. Speaker, in answer to the gentleman's question of whether there has been any complaint, particularly from his section, I would state that quite a number of the North Atlantic States have made complaints through their boards of alienists. My recollection is that we have had very urgent complaints by those in charge of the insane hospitals of the gentleman's State. I have not the data before me and have not examined the matter lately, but that is my recollection. I know we have had complaints from Rhode Island, Connecticut, and New York, and I think from Massachusetts.

Mr. MURRAY. May I ask the gentleman to incorporate that in his remarks in the RECORD?

Mr. BURNETT. Yes. If I have the statement I will incorporate it.

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

Mr. BURNETT. Mr. Speaker, I yield 10 minutes to the gentleman from Illinois [Mr. SABATH].

Mr. SABATH. Mr. Speaker, it is not my intention to detain the membership of this House. All I desire to say is this: I am in favor of this bill. Furthermore, I am in favor of enlarging the scope of the bill and of including also the examination of all those aliens that come in here from contiguous territory, namely, those that come by railroad. This bill excludes all insane that seek to enter the United States from foreign territory. I am of opinion that an insane person is just as insane if he comes from Mexico or Canada as if he comes from England, Germany, or France.

And therefore I have suggested to the chairman of the committee to accept the amendment which would eliminate these words:

Other than railway lines.

So that we would force not only the steamship lines but also the railroad companies to carefully examine all those who are probably suffering from insanity. The present law excludes all of these. All that we desire to do is to impose higher fines on the steamship companies so as to force more careful examina-

tion in order to protect the unfortunate immigrant from being turned away after he arrives in this country.

Mr. SISSON. Will the gentleman yield?

Mr. SABATH. I will.

Mr. SISSON. Has the gentleman considered the condition of the facilities of the steamship companies for making examinations, and the facilities of the railroad companies coming from Canada or Mexico?

Mr. SABATH. Well, if I am not mistaken, we have very few lines that run between Mexico and the United States. I would say there are six border lines.

Mr. SISSON. I am not informed about the condition, but it just occurred to me that there may be a good deal of difference in the method of handling the railway passenger and the way of handling the ship passenger, and it might require a different kind of legislation. I will say to the gentleman I am in entire sympathy with his views.

Mr. GARDNER of Massachusetts. Mr. Speaker——

The SPEAKER. Does the gentleman from Illinois [Mr. SABATH] yield to the gentleman from Massachusetts [Mr. GARDNER]?

Mr. SABATH. I yield to the gentleman from Massachusetts.

Mr. GARDNER of Massachusetts. I call the attention of the gentleman from Illinois [Mr. SABATH] to the fact that there is a street railroad running across the Rio Grande where the fare is 10 cents. Does the gentleman think it right to force the railroad company to maintain a force of physicians and to fine the company $200 if it brings an alien here and it is found subsequently that he is insane?

Mr. SABATH. It might be a hardship to that street railway company; but if they are bringing hundreds and hundreds of people over here from Canada, why should we not protect ourselves on that border as well as on any other border?

Mr. GARDNER of Massachusetts. One other question: The gentleman is aware that the examination of European immigrants who come here through Canada takes place in the Canadian ports by agreement between the two Governments, and not on our border.

Mr. SABATH. I am aware of that fact.

Mr. GARDNER of Massachusetts. And suppose after a United States inspector has passed an immigrant in the port of Montreal and that that immigrant is found to be insane after he came to the United States and after having been passed by the inspector in the port of Montreal, would he consider it just to charge the railroad company $100 for bringing him in?

Mr. SABATH. Well, personally, I do not know whether under the present law they would not be subjected to a fine.

Of course, at the present time they are excluded, it is true, but if by chance they are brought across the channel on a boat, it matters not how small it may be, plying between some two points across a narrow strip of water, the boat would come under the provisions of this act. And if it is good law for a steamship line, why should it not be as good for the railroad? Personally, of course, the gentleman recognizes the fact that I am not trying in any way to eliminate the steamship companies from performing their duties.

Mr. GARDNER of Massachusetts. I understand.

Mr. SABATH. I believe that this is a good provision, and that we have a right to demand from the steamship lines that they should be careful in examining the people they are bringing to this country; but I go further and say that we should make some demand on the railroads.

Mr. GARDNER of Massachusetts. Let us take the Quebec Central Railroad, which runs from Quebec to Boston, part of the way over the Central Vermont. I suppose the trains may stop at 30 or 40 places between the St. Lawrence and the border. At each one of those stations passengers are likely to board the train. Does the gentleman think it right that the railroad should be required to have surgeons at each of those stations.

Mr. SABATH. The railroad company would not need to have specialists at each of those stations. It would suffice if they had one at the last station and examine all of those who were about to cross. So, instead of having one in each and every station, it would suffice to have one or two at the port of entry.

Mr. GARDNER of Massachusetts. And the gentleman would advocate, for instance, legislation which would produce this state of affairs: Suppose I came back, for instance, from Quebec in the daytime, as I often do, my train would be stopped by the railroad authorities pending the examination of persons for lunacy before we reached the United States line, and, after crossing it, would be stopped for examination once more?

Mr. SABATH. Notwithstanding the fact that I have not a great deal of confidence in these alienists or experts, I do hope that they would have sense enough not to interfere with the gentleman from Massachusetts when they saw him arrive, and that they would be easily able to detect that he does not come under the provisions of any of these exclusions.

Mr. MURRAY. May I ask my colleague from Massachusetts [Mr. GARDNER], if the situation that he assumes is less reasonable than the situation that is likely to come as the result of the probable passage of the literacy test at Detroit, where every day, as I understand it, hundreds of men come across the river to go to their daily employment and occupation in the city of Detroit, but where, in the future, under the provisions of the literacy test, if it becomes a law, as it is likely to do, they will daily have to be stopped while they read for the inspectors 30 or 40 words in the language they are supposed to speak?

The SPEAKER. The time of the gentleman from Illinois [Mr. SABATH] has expired.

Mr. BURNETT. Mr. Speaker, I yield five minutes more to the gentleman from Illinois [Mr. SABATH].

Mr. SABATH. Mr. Speaker, I yield to the gentleman from Massachusetts time to answer the question.

Mr. GARDNER of Massachusetts. I expect that at first there is going to be some difficulty such as the gentleman indicates connected with the enforcement of the illiteracy test. I think the evolution will be approximately the same as has resulted from existing law. The immigrant inspectors know practically everybody by sight who goes from Windsor to Detroit.

Mr. MURRAY. Is the gentleman unwilling to trust the operation of a wise provision such as the gentleman from Illinois suggests?

Mr. GARDNER of Massachusetts. Yes; but the railroads are an entirely different proposition. The ferryboat runs between two places, and it is very easy to become familiar with the passengers who habitually go to and from the same places every day. With passengers on railroad trains, however, it is entirely different.

Mr. MURRAY. Of course, that is true, and the number varies, and the persons from day to day vary on railroad trains to a greater extent than on steamships or ferryboats going from Windsor to Detroit. But could there not be some development under the law by wise administrators that would cure the defects which the gentleman conceives would make this law ridiculous as applied to railroads?

Mr. GARDNER of Massachusetts. No. You are going to put a penalty on the railroads for bringing the people here.

Mr. MURRAY. You are only going to penalize the railroads for doing the same thing that the steamship companies are penalized for doing under the law. The gentleman is unfair in his language when he says that that is our plan.

Mr. GARDNER of Massachusetts. What is the plan that the gentleman refers to?

Mr. MURRAY. To penalize the railroads for doing the same thing that the steamship companies under this are penalized for doing.

Mr. GARDNER of Massachusetts. What is that?

Mr. MURRAY. Bringing in the insane.

Mr. GARDNER of Massachusetts. Before the gentleman came on the floor of the House I endeavored to explain that there had been a very great demand that these immigrants should be protected against taking a journey half way around the world after selling their household goods, only to be turned back on arrival at the port of New York. I pointed out the difference between being turned back after a short land trip and being turned back after a trip from the other side of the world.

Mr. MURRAY. This measure is chiefly a measure of humanity for the suffering conditions now existing in the various States. I gathered the idea from the remarks of the chairman of the committee [Mr. BURNETT] that it was intended to protect such States as New York and Massachusetts, and the Nation generally, from the undesirable immigrants that we are getting. If the purpose is other than that I have entirely mistaken the progress of this debate, but I do hope that along the line of the suggestion that the gentleman from Illinois [Mr. SABATH] wisely makes his amendment may be made covering those immigrants that come in under the other conditions.

The SPEAKER. The time of the gentleman from Illinois [Mr. SABATH] has expired.

Mr. TALCOTT of New York. Mr. Speaker, I ask that the gentleman have his time extended.

Mr. BURNETT. The gentleman from Alabama has control of the time.

The SPEAKER. The gentleman from Alabama [Mr. BURNETT] has control of the time.

Mr. BURNETT. Mr. Speaker, how much time have I?

The SPEAKER. The gentleman has 10 minutes.

Mr. BURNETT. I want to yield five minutes to the gentleman from New York [Mr. KINDRED], the author of the bill, and I want myself about five minutes.

Mr. TALCOTT of New York. Mr. Speaker, will the gentleman from Alabama yield to me two minutes?

Mr. BURNETT. Yes.

Mr. TALCOTT of New York. Does not the amendment amending the section refer to all excluded classes, as well as the insane?

Mr. SABATH. Yes. It includes the insane. Formerly they were not included.

Mr. TALCOTT of New York. The gentleman's suggestion covers all classes?

Mr. SABATH. Yes; all these classes.

Now, Mr. Speaker, as I stated, I am in favor of the bill, and I desire to go even further than the gentleman who has drafted this bill, and I am in favor of making the bill apply to the railroads. For that reason I move that the words on line 9, after the word "company," be stricken out, namely "other than railway lines," so that the section of the bill would read:

It shall be unlawful for any person, including transportation companies entering the United States—

And so on.

The SPEAKER. The Chair will state to the gentleman from Illinois that he has the floor for the purpose of debate and not for the purpose of offering an amendment. After the time of the gentleman from Alabama [Mr. BURNETT] expires, the Chair will recognize the gentleman from Illinois, provided the gentleman from Alabama does not cut him off by the previous question.

Mr. SABATH. I presume he could do it under the rules of the House.

The SPEAKER. He could do it if he could get votes enough.

Mr. BURNETT. Mr. Speaker, have the two minutes of the gentleman from New York [Mr. TALCOTT] expired?

The SPEAKER. The gentleman's two minutes have expired.

Mr. BURNETT. How much time have I remaining, Mr. Speaker?

The SPEAKER. Nine minutes.

Mr. BURNETT. I yield four minutes to the gentleman from New York [Mr. KINDRED].

Mr. KINDRED. Mr. Speaker, as the author of this bill, I desire to refer very briefly to the aspect of humanity involved in it, which has been mentioned by the gentleman from Massachusetts [Mr. MURRAY] and others. In the first place, if the bringing in of the insane is made finable, the steamship companies and common carriers will refrain from allowing the insane to commence the trip.

At present the fact of their being brought in entails great hardships to individuals and to whole families. I have known personally of cases of insane who will be finable and excludable under this proposed act to stay at Ellis Island and first be detained indefinitely and then be taken to the almshouses and various institutions at great expense to the public in the first place, and in instances where the families are possessed of means the expense is chargeable directly to their relatives who live in this country.

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

The SPEAKER. Does the gentleman yield?

Mr. KINDRED. I will yield for a minute.

Mr. SABATH. Is it not a fact that under the present law the Government has the right to deport these people at any time within three years?

Mr. KINDRED. I will say to the gentleman that the bringing in of insane into this country is not finable under the present law.

Mr. SABATH. But they are deportable. Does not the gentleman know that last year we deported 524 insane?

Mr. KINDRED. They are deportable, and the very process of deportation and care for them is costing the State of New York over $2,500,000 each year.

Mr. SABATH. Is it not a fact that the Government pays for the deportation and the passage of the insane, and the State of New York is not obliged to expend a single cent?

Mr. KINDRED. As a matter of fact, the board of alienists, as the proper agency of the State of New York, is doing this work and charging it to the State of New York directly. In some cases the United States Government pays it.

Mr. SABATH. They make examinations, and of course we realize that they are very expensive gentlemen.

Mr. KINDRED. I want to make a statement along the line not of the economics of this great humanitarian question but along the line of humanity, as some gentleman has defined it. Not only, as I have stated, is it inhuman and cruel and inconvenient to the individual insane and their families to bring them here under the present conditions, subjecting them to the hardships to which I have briefly referred——

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

Mr. KINDRED. I have only a very brief time. Otherwise I would gladly yield.

We come now to the question of humanity involved in this, and that is the lesson which we get from the Jukes family, which in the matter of degeneracy from heredity represents a most colossal family tree and a most interesting one, perhaps the most interesting in the world. The origin of the Jukes family from a given parent was an origin of insanity. The descendants of that family ramify throughout the States, and the result has been not only calamity to the individuals who, through no fault of their own, came into the world under such abnormal conditions through such heredity, but our asylums and eleemosynary institutions have been caused untold expense. Therefore it is a question secondarly of economics and primarily of humanity to the individual and a question of the greatest social importance. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. BURNETT. Mr. Speaker, I call attention to the fact that where this deportation is not done under the warrant of the Secretary of Commerce and Labor the expense of it has to be borne either by the State or by private individuals; and the case to which I called attention a moment ago was a case where the State of New York, through some of its officials, had made a tentative agreement with the steamship companies by which there would be a deportation, as the paper stated, of something like 1,500 of these aliens who have gone recently into the insane asylums of New York, and the State is to bear the expense of that kind of deportation. Under the Federal law if the deportation is on the warrant of the Secretary of Commerce and Labor the steamship companies bear the expense of deportation; but they say that there are many cases that have escaped the investigation of Ellis Island, have gotten out, and gotten into the asylums, and in those cases the Secretary of Commerce and Labor will not order the deportation, and hence the steamship companies are in nowise responsible, and they will not take these people back unless somebody pays the expense of their passage. This newspaper article said that the State of New York had agreed to pay the expense of the deportation.

There is another difficulty. In some cases the country from which they have come refuses to take them back, and it puts them in an anomalous attitude. The steamship companies have made that excuse for refusing to deport them. The country that they come from will not receive them.

Therefore, as has been said by gentlemen, the putting of the penalty upon the steamship companies will increase the diligence of those companies in the investigation on the other side, because if they are penalized for bringing them in they will not bring them over here, and the trouble caused by the refusal of the mother country to take them back will be avoided.

The gentleman from Massachusetts [Mr. MURRAY] has referred to a similar anomalous condition that might arise along the border in regard to the railways. We have in the general law now and also in the Dillingham bill, if it should be passed as amended, and with amendments that perhaps the conference committee may agree upon, a provision that the Secretary of Commerce and Labor may make agreements with the railroad companies along these borders, where there is a contiguous foreign country, for the purpose of expediting this traffic. So the statement of the gentleman that a man who comes over from Canada on a street railway or a steam railroad will have to be examined every day to ascertain whether he can read or not is incorrect. The Secretary of Commerce and Labor arranged with the railway companies a method by which that examination might be made at one time, and the person admitted after that time.

Mr. MURRAY. Mr. Speaker, was the provision that the gentleman speaks of in the bill as it passed the House of Representatives?

Mr. BURNETT. If the gentleman had read the existing law, he would know that that is the law already; and the bill that passed the House of Representatives did not propose to amend that law.

Mr. MURRAY. Mr. Speaker, is the gentleman correct in saying that the bill we voted on, the amended Senate bill, did not propose to amend the existing law? It proposed an amendment to the existing law in the first paragraph of it, and the gentleman knows that I read the bill, because I read it with him. It changed existing law, and the objection I suggest was pointed out in debate on the floor of the House——

Mr. BURNETT. Does the gentleman, in asking his question, intend to interlard it with a speech?

Mr. MURRAY. No.

Mr. BURNETT. The Senate bill does not amend that feature of the existing law. It adds to the classes already excluded and leaves the existing law, with its 42 sections, absolutely as it is already.

I move the previous question on the bill and amendment to the final passage.

Mr. KINDRED. Will the gentleman reserve that motion for a moment in order that I may ask unanimous consent to extend my remarks in the RECORD on this question?

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

There was no objection.

Mr. SABATH. Mr. Speaker——

Mr. BURNETT. I move the previous question on the bill and amendments to the final passage.

The SPEAKER. The gentleman from Alabama [Mr. BURNETT] moves the previous question on the bill and amendments to the final passage.

Mr. SABATH. Mr. Speaker, a parliamentary inquiry. That precludes me from offering my amendment, does it not?

The SPEAKER. It does, provided enough gentlemen vote for that motion. If a majority vote the other way, then the gentleman from Illinois [Mr. SABATH] is entitled to an hour if the Chair recognizes him, which he will do.

The question being taken, the previous question was ordered.

The SPEAKER. The Clerk will report the first amendment.

The Clerk read as follows:

Page 1, line 4, after the word "amended," insert the words "so as to read."

The amendment was agreed to.

The Clerk reported the next committee amendment, as follows:

Page 1, strike out all of lines 6 and 7.

The amendment was agreed to.

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

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

Mr. SABATH. I ask unanimous consent to extend my remarks in the RECORD.

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

There was no objection.

AMENDING THE NATURALIZATION LAWS.

The SPEAKER. Is that all the business that this committee has?

Mr. BURNETT. No, Mr. Speaker; I call up the bill (H. R. 20195) to amend the naturalization laws.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That section 4 of the act approved June 29, 1906, entitled "An act to establish a Bureau of Immigration and Naturalization and to provide for a uniform rule for the naturalization of aliens throughout the United States," is hereby amended by adding two subdivisions to read as follows:

"Seventh. That any alien of the age of 21 years and upward who has enlisted or may hereafter enlist in the Armies of the United States, either the Regular or the Volunteer forces, or in the United States Navy or Marine Corps, or in the Revenue-Cutter Service, or who is serving or has served on board a merchant vessel of the United States may, after three years of such service, while still in the service or within six months after an honorable discharge therefrom, petition for naturalization in any court authorized to grant citizenship; and the honorable-discharge certificate of such alien from the service of the United States, or a certificate of such three years' service and good conduct during that time, signed by a commissioned officer under whom he is serving, or an affidavit of the master of said merchant vessel certifying to such three years' service and good conduct, as aforesaid, and the affidavits of two credible witnesses, citizens of the United States, identifying the applicant as the person named in the certificate presented, shall be deemed competent and sufficient proof of the residence and good moral character required by law, and either the original or a verified copy of such discharge shall be attached to and made a part of the petition; such applicant shall not be required to prove one year's residence within the State in which he files his application to become a citizen; and the petition of any such alien shall be docketed and final hearing had thereon by the court immediately, or at the convenience of the court.

"Eighth. That every seaman being an alien shall, after his declaration of intention to become a citizen of the United States, and after he shall have served such three years upon such merchant vessel of the United States, be deemed a citizen of the United States for the purpose of manning and serving on board any such merchant vessel of the United States, anything to the contrary in any act of Congress notwithstanding; but such seaman shall, for all purposes of protection as an American citizen, be deemed such after the filing of his declaration of intention to become such citizen."

SEC. 2. That sections 2166 and 2174 of the Revised Statutes of the United States of America, and so much of an act approved July 26, 1894, entitled "An act making provisions for the naval service for the fiscal year ending June 30, 1895, and for other purposes," being chapter 165 of the laws of 1894 (28 Stat. L., p. 124), reading as follows: "Any alien of the age of 21 years and upward who has enlisted or may enlist in the United States Navy or Marine Corps, and has served or may hereafter serve five consecutive years in the United States Navy or one enlistment in the United States Marine Corps, and has been or may hereafter be honorably discharged, shall be admitted to become a citizen of the United States upon his petition, without any previous declaration of his intention to become such; and the court admitting such alien shall, in addition to proof of good moral character, be satisfied by competent proof of such person's service in and honorable discharge from the United States Navy or Marine Corps"; and all acts or parts of acts inconsistent with or repugnant to the provisions of this act are hereby repealed; but nothing in this act shall repeal or in any way enlarge section 2169 of the Revised Statutes: *Provided*, That for the purposes of the prosecution of all crimes and offenses against the naturalization laws of the United States which may have been committed prior to this act the statutes and laws hereby repealed shall remain in full force and effect: *Provided further*, That as to all aliens who, prior to January 1, 1866, served in the Armies of the United States and were honorably discharged therefrom, section 2166 of the Revised Statutes of the United States shall be and remain in full force and effect, anything in this act to the contrary notwithstanding.

Mr. GARDNER of Massachusetts. Mr. Speaker, the object of this bill is to make uniform conditions under which aliens who have served in the Army, Navy, or Marine Corps of the United States may be naturalized. Also to extend to persons in the Revenue-Cutter Service of the United States the same provisions which are extended to alien seamen in the matter of naturalization.

As the situation is at present, any alien who serves in the Army of the United States can be naturalized on his declaration of intention to become a citizen after one year's service. Any alien who serves in the Navy must have five years' service to his credit. Anyone who serves in the Marine Corps must have such term of service to his credit as an enlistment in the Marine Corps may from time to time require. I rather think that the term of enlistment for the Marine Corps was made four years by an act passed somewhere about the year 1900.

This bill seeks to make uniform the conditions of naturalization for all aliens who have served either in the Regular or Volunteer forces of the United States, or in the United States Navy, or Marine Corps, or in the Revenue Service, or who have served on board a merchant vessel of the United States a uniform period of three years.

Mr. HAMILL. Will the gentleman yield?

Mr. GARDNER of Massachusetts. Certainly.

Mr. HAMILL. Will the gentleman, so that we may have it clear in mind, state just what provisions are in the law that a man would have to comply with in the absence of this legislation?

Mr. GARDNER of Massachusetts. To the best of my ability I shall be glad to do so, but this bill has been on the calendar many months, and I have not refreshed my memory until this afternoon.

Mr. HAMILL. I understand from a rapid reading of the bill that the seventh section extends the present requirement of one year to three years in the case of a discharged soldier from the United States Army. Is that correct?

Mr. GARDNER of Massachusetts. Yes.

Mr. HAMILL. What is the necessity of adding to his term of probation? Is not his service of one year in the Army an indication of the patriotism desired of the coming citizen—is not that enough without making it a three-year period?

Mr. GARDNER of Massachusetts. It did not seem so to the committee.

Mr. HAMILL. What is the gentleman's own opinion?

Mr. GARDNER of Massachusetts. That is the gentleman's own opinion. I voted to report this bill. As the law stands at present, as the gentleman has pointed out, only one year's service is required of a soldier. On the other hand, an alien in the Navy is required to serve five years, or one enlistment in the United States Marine Corps, which is now four years. The Immigration Committee has made the period uniform at three years for all the classes which I have mentioned.

Now, in regard to the alien seamen on merchant vessels, I think the report is a little wrong. At present the alien seamen on merchant vessels can be naturalized at the end of three years. This bill leaves it permissible to naturalize them at the end of three years.

Mr. HAMILL. In that regard this proposed law does not change the existing law in regard to a seaman.

Mr. GARDNER of Massachusetts. Mr. Speaker, as I was about to say, my information is that the change in regard to seamen consists in permitting them to prove their three years' residence in a different way from that which is now required. The naturalization law passed in 1906 requires everyone to show by two witnesses evidence of their residence for the period of three years. This bill provides that the fact that seamen have served on a ship of the United States—that is, a merchant ship of the United States—and have been honorably discharged, shall in itself be taken as evidence of residence, inasmuch as it is impossible for a seaman to acquire a continuous residence ashore owing to the fact that he is in and out of port all the time.

Answering the gentleman from New Jersey, the three-year period required of seamen on merchant vessels is not changed by this bill from the requirement of section 2174 of the Revised Statutes.

Mr. HAMILL. I take it the gentleman draws this distinction between the proposed law and the law as it now exists—that the law as it exists calls for the proof of three years' residence, and the gentleman does not consider the three years' residence at sea would prove the residence, whereas this specifically says that three years' service at sea shall entitle him to the right of citizenship.

Mr. GARDNER of Massachusetts. I thank the gentleman for having stated it much more lucidly than I did. He is correct.

Mr. HAMILL. The gentleman will pardon me if I say I think the law to-day would consider three years' service on an American ship as proof of three years' citizenship in the United States, and that the proposed law does nothing really in that regard.

Mr. BURNETT. If the gentleman from Massachusetts will permit me, the department says that it has not been construed that way; that while it ought to be, yet the existing law is such that if a man has been afloat all that time and has been one year at one port with his family and another year at another, he can not be naturalized.

Mr. HAMILL. On an American ship?

Mr. BURNETT. Yes. That would not be construed as a residence at that place for the required time, and therefore the department recommended the changes in that way.

Mr. GARDNER of Massachusetts. Mr. Speaker, the gentleman from Alabama, I think, is correct. Now, as to the evidence as to character, if I recollect rightly, there is a requirement that one of the witnesses as to character must come from the same State as the applicant. I am by no means sure. That is my impression, but I have not examined the law for eight months. There are two things of which I am sure. One is that under this bill the period of time is not changed during which a seaman on a merchant vessel is required to serve prior to attaining a right to naturalization. The other thing of which I am sure is that the main purpose of the bill is to provide uniform conditions for the naturalization of aliens in the Army, the Navy, the Marine Corps, the Revenue-Cutter Service, and the merchant marine.

I call attention to one exception in this bill. A soldier who served in the War of the Rebellion and was honorably discharged at the end of his service is allowed to secure citizenship, as formerly, after one year's service.

Mr. HAMILL. What is the provision as to the Marine Corps that they must serve for the same number of years as are included in one contract of enlistment?

Mr. GARDNER of Massachusetts. That is existing law. This bill makes the period three years. I understand the present term of enlistment for the Marine Corps is four years. I have not looked into that question, but am trusting entirely to my memory. I did not know that this bill was on the calendar until an hour ago, and have been trying to refresh my memory ever since.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. GARDNER of Massachusetts. I will.

Mr. MOORE of Pennsylvania. In the effort to establish uniformity in the matter of naturalization, was not it apparent to the committee that there was a decided advantage given to the sailor on the merchant vessel who in no way was in the service of the United States, in that he could be naturalized after three years of service upon a merchant vessel, where those who volunteered their services to the United States and served in the Army and the Navy were obliged to remain at least five years before they could become citizens?

Mr. GARDNER of Massachusetts. My recollection is that the gentleman is correct. I had not remembered that fact, but it comes back to me, now that he mentions it.

Mr. MOORE of Pennsylvania. And that it was regarded as unfair that we should hold up for a period of five or more years a man who entered the service of the United States as a soldier or sailor, when we permitted a sailor on a merchant vessel in no way connected with the United States to be admitted to citizenship, after a period of three years of such service, under an independent captain or under an independent concern.

Mr. HAMILL. Mr. Speaker, I would ask if the general idea of this bill is not restrictive—that is, it is to make it more difficult to-day for a man who has served his country as a soldier, or for a sailor on an American ship, to receive the rights of citizenship than it is under existing law? Outside of the uniformity feature, that is the effect of this law, is it not?

Mr. GARDNER of Massachusetts. The gentleman is mistaken. This bill makes it easier for a sailor to become a citizen of the United States, because the present law requires him to prove something which is not a fact.

Mr. HAMILL. That is a detail of procedure, and in so far as that is concerned the proposed law is commendable. But what is the necessity of extending from one year to three years the time of a discharged soldier? That is restrictive.

Mr. GARDNER of Massachusetts. So as to make it uniform with the period of service required of a discharged sailor.

Mr. HAMILL. It is restrictive.

Mr. GARDNER of Massachusetts. As to soldiers.

Mr. HAMILL. Would it not be far better instead of putting more hardships on the soldier who has served his country rather to bring the other qualifications down to the qualifications now required of him as to residence?

Mr. GARDNER of Massachusetts. No.

Mr. HAMILL. Why not?

Mr. GARDNER of Massachusetts. Three years is short enough time for any man to be in the United States before he is made a citizen.

Mr. HAMILL. When a man serves in the Army, is it not pretty strong, presumptive evidence, almost indisputable, that he is fit for the rights of citizenship, for he then takes the chances of fighting for this country in the case of war?

Mr. GARDNER of Massachusetts. Not in the least.

Mr. MOORE of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. GARDNER of Massachusetts. Yes.

Mr. MOORE of Pennsylvania. I am simply stating my recollection, which is somewhat at fault. The gentleman admits that his is slightly at fault, because this bill has been pending so long; but it was a matter of amazement to me to find that owing to some conditions, of which we were not fully informed, a sailor from any foreign country, embarking on a voyage on any American vessels in any foreign port, could, after a service of three years on that vessel, on the certificate of his captain, be admitted to naturalization in the United States—and that upon the simple certificate of the captain that the man had been in the service of the ship. It was after I heard that statement and learned that that condition prevailed, and that anyone from any foreign country, by the mere accident of service on an American ship, could, upon such an uncertain certificate presented to a court, become a citizen after three years of service on a ship that I agreed with the committee that there should be passed a bill which would give some aid to the foreigner who enlists in the service of the United States in the Army or in the Navy.

Mr. HAMILL. Mr. Speaker, has not the gentleman——

Mr. GARDNER of Massachusetts. O Mr. Speaker, I shall have to insist that I have the floor.

Mr. HAMILL. Let me ask the gentleman this question.

Mr. MOORE of Pennsylvania. I understand we have simply made it easier for men in the Army and Navy to become naturalized.

Mr. HAMILL. Have we not made it more difficult for a man in the Army?

Mr. MOORE of Pennsylvania. No; we have made it easier.

Mr. GARDNER of Massachusetts. No; the gentleman from New Jersey is correct. We have made it more difficult for an honorably discharged soldier to become naturalized.

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

Mr. GARDNER of Massachusetts. I yield to the gentleman from South Carolina for a question.

Mr. FINLEY. Is there anything in this bill that enlarges the limitations as to race for those seeking or entitled to naturalization?

Mr. GARDNER of Massachusetts. No; there is no change, except as to what shall be deemed evidence of residence, and as to the length of service required before soldiers, sailors, marines, and seamen may become naturalized.

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

Mr. GARDNER of Massachusetts. I yield to the gentleman from Illinois.

Mr. FOWLER. Is there any change made with reference to the proof of good moral character?

Mr. GARDNER of Massachusetts. I think that has been strengthened. I shall have to refresh my recollection as to that.

Mr. FOWLER. The proof of good moral character is required now, and if this bill does not pass it will be required in every one of the instances to which this bill deals. Is not that the fact?

Mr. GARDNER of Massachusetts. Yes.

Mr. SABATH. I refer the gentleman from Massachusetts to lines 14 and 15, on page 2. The gentleman will there find the provision.

Mr. GARDNER of Massachusetts. Yes. I read from the bill—

and the affidavits of two credible witnesses, citizens of the United States, identifying the applicant as the person named in the certificate presented.

That is to say, the certificate of good conduct and honorable discharge, which is required by line 7 of the bill, and the certificate of such three years' service, must be signed by a commissioned officer. Then line 14 provides that the affidavits of two credible witnesses, and so forth—

shall be deemed competent and sufficient proof of the residence and good moral character required by law.

Mr. FOWLER. Do you not think that the discipline in the Navy and in the Army is of such a high and strict character that no man could go through it for three years and be honorably discharged without being of good moral character?

Mr. GARDNER of Massachusetts. That is why I am in favor of the three-year provision. I should not agree with that as to one year's service.

Mr. FOWLER. One more question before I leave the subject: As the law now stands, is there any difference as to the requirements of the proof of good moral character by the United States of men dealt with in this bill?

Mr. GARDNER of Massachusetts. Why, I think they all now require certificates of good moral character from neighbors. I think one of the witnesses must be a resident of the same State as the applicant, although I am simply stating this from memory. But knowing that it is impracticable for persons on board ship to furnish the evidence now required, we propose by this bill that in lieu thereof they must bring certificates of honorable discharge and good conduct, signed by a commissioned officer under whom they serve. Moreover, they must furnish the certificate of credible witnesses for purposes of identification.

Mr. FOWLER. Not being a member of the committee, I am not sure whether there is a distinction made in the law as it now exists as to the requirements of proof of good moral character concerning the four classes of men dealt with in this bill.

Mr. GARDNER of Massachusetts. There is this difference: That the existing law requires that the petition shall be verified by the affidavits of two credible witnesses, who shall be citizens of the United States and who shall state that they have known the man for a period at least of one year preceding the date of the filing of his petition, and that they each have personal knowledge that the petitioner is of good moral character. In lieu thereof we now propose to accept a certificate of three years' service and good conduct, together with an honorable discharge certificate, signed by a commissioned officer under whom the applicant for naturalization has served, or the affidavit of a master of a merchant vessel, certifying to three years' service and good conduct. Obviously a man might be shifted from one ship to another in the Navy, and it might be impossible to find two citizens who could testify to everything required by the statute.

Mr. FOWLER. You understand that the statute applies to all the aliens serving in the United States?

Mr. GARDNER of Massachusetts. Distinctly. The naturalization law, I think, recites that persons may be naturalized in such and such a way, and in no other. I take it that that is the difficulty which we are trying to overcome by this bill, although, as I said before, my recollection is not as complete as I could wish. I think that what I have told the gentleman is substantially accurate.

Mr. FOWLER. One of the gentlemen here, in speaking of the service of the man on the American merchant vessel, said that all he had to do was to send in his certificate of service signed by a captain of such vessel.

Mr. GARDNER of Massachusetts. Under the old law.

Mr. FOWLER. Does that dispense with the proof of good moral character?

Mr. GARDNER of Massachusetts. Yes; it did under the Revised Statutes, page 2174. He produces his certificate of discharge and good conduct during that time.

Mr. BURNETT. Will the gentleman permit me a suggestion?

Mr. GARDNER of Massachusetts. Yes, sir.

Mr. BURNETT. That is a part of the reason for making this law uniform as to this particular as well as the length of term of service. Now, by reading the various statutes the gentleman will find that different proof along that very line that he inquires about was required of the applicants for naturalization who had been in these different lines of service. Now, briefly, I will call attention to it:

Any alien of the age of 21 years and upward, who has enlisted, or may enlist, in the Armies of the United States, either the Regular or the Volunteer forces, and has been or may be hereafter honorably discharged, shall be admitted to become a citizen of the United States upon his petition, without any previous declaration of his intention to become such; and he shall not be required to prove more than one year's residence within the United States previous to his application to become such citizen; and the court admitting such alien shall, in addition to such proof of residence and good moral character as now provided by law, be satisfied by competent proof of such person having been honorably discharged from the service of the United States.

Now, that was in the case of honorably discharged soldiers. Now, when we go over to section 174, that my colleague has called attention to, it gives the seaman there the right the soldier did not have. It says:

Every seaman, being a foreigner, who declares his intention of becoming a citizen of the United States in any competent court, and shall have served three years on board of a merchant vessel of the United States subsequent to the date of such declaration, may, on his application to any competent court and the production of his certificate of discharge and good conduct during that time, together with the certificate of his declaration of intention to become a citizen, be admitted a citizen of the United States; and every seaman, being a foreigner, shall, after his declaration of intention to become a citizen of the United States, and after he shall have served such three years, be deemed a citizen of the United States for the purpose of manning and serving on board any merchant vessel of the United States, anything to the contrary in any act of Congress notwithstanding; but such seaman shall, for all purposes of protection as an American citizen, be deemed such after the filing of his declaration of intention to become such citizen.

So that proof, it seems, of good moral character was not required of the seaman that was even of a soldier.

Mr. FOWLER. The proof of good moral character as the law is now is not uniform?

Mr. BURNETT. That is the proposition.

Mr. FOWLER. Now, you seek by this bill not only to make the proof of good moral character uniform but the length of service uniform also?

Mr. BURNETT. Exactly.

Mr. FOWLER. And are these the only two features this bill seeks to modify?

Mr. BURNETT. These are the two features, as I recollect. And I want to call attention to the Army and Navy and Marine Corps:

And the court admitting such aliens shall, in addition to proof of good moral character, be satisfied by competent proof of such person's service in and honorable discharge from the United States Navy or Marine Corps.

So you see, as to the soldiers and those serving in the Navy, there was proof of good moral character required, but as to merchant vessels that was not required.

Mr. MURRAY. Is it not true that you also extend this proviso to those who serve in the volunteer militia of the various States?

Mr. GARDNER of Massachusetts. Only the volunteer forces of the United States.

Mr. MURRAY. What does that mean?

Mr. GARDNER of Massachusetts. It means those who serve the United States in the case of war.

Mr. MURRAY. Not the State militia as now organized?

Mr. GARDNER of Massachusetts. Oh, no. If the gentleman will look at section 2766 of the United States Statutes, he will find——

Mr. MURRAY. Of course, that is not before me as it is before the gentleman.

Mr. GARDNER of Massachusetts. It provides for the naturalization of aliens in the Regular and Volunteer forces.

Mr. MURRAY. Under the provisions of the Dick bill, of course, every organization in the State national guard is part of the volunteer forces.

Mr. GARDNER of Massachusetts. Only when it becomes a volunteer force.

Mr. MURRAY. That was enacted as the result of our service and the service of like men in the Spanish War. The Dick bill was intended to put the country on a military basis. The gentleman knows that the militia are subject now to inspection only by an inspector of the United States, belonging to the United States Inspector General's Department. I would like to know if this provision means to include men in the various State militia organizations?

Mr. GARDNER of Massachusetts. That certainly was not its intention.

Mr. MURRAY. Well, it is in it.

Mr. GARDNER of Massachusetts. It would have the same effect, I should say, as the language in the existing law. If the gentleman is correct in his premise that by the passage of the Dick bill that which has hitherto been regarded as the militia of the various States has now become the volunteer force of the United States, then he is correct in his conclusion that this bill extends the privilege of a shorter residential requirement to any alien who might enlist in the Massachusetts Militia. But I think the gentleman is incorrect. I can not imagine that such a construction of the law would be correct.

Mr. MURRAY. Mr. Speaker, I can only say, upon my reading of the bill, that there was not any question in my mind but that it applied to the militia forces. I suppose my colleague had the point of view entertained by the committee with respect to it. That had not occurred to me when I read that section. I had in mind the fact that it does extend to the militia organization.

Mr. GARDNER of Massachusetts. In that particular respect there is no change from the present law. The present law extends this special naturalization privilege to the Regular and Volunteer forces. Now, even if the gentleman is correct, this bill proposes no change in the law as to the Volunteer forces.

Mr. BURNETT. Might it not be, on the idea that the Dick bill was passed since the law we are amending was enacted, and this being an amendment without exempting them, that there might be some force in the remarks of the gentleman from Massachusetts [Mr. MURRAY]?

Mr. MURRAY. I do not want to refer to it particularly.

Mr. GARDNER of Massachusetts. Does the gentleman mean that by reenacting the law in regard to the Regular and Volunteer forces, we make its application different from what it would be if we let it alone?

Mr. MURRAY. Mr. Speaker, I simply mean to say that in my mind "the volunteer forces" to-day have a very different meaning from what they had in 1898. I simply mean to say that those words, "volunteer forces," may have a very different meaning from what they had when the naturalization act was adopted.

Mr. GARDNER of Massachusetts. Let me ask the gentleman this question: Suppose we do not pass this legislation which I have in my hand?

Mr. MURRAY. Which is the pending legislation?

Mr. GARDNER of Massachusetts. Yes; which is the pending legislation. Does the law as it stands to-day permit the naturalization within one year of an alien in the Massachusetts militia?

Mr. MURRAY. I can only determine that question for myself, Mr. Speaker, when I find out when that naturalization act was passed with respect to the date of the enactment of the Dick bill. If it was before, I do not believe it does include militiamen. If it was after the passage of the Dick bill, I believe clearly that it does include them. I have in mind the date.

Mr. GARDNER of Massachusetts. This is 1906. No; I beg pardon; this is very old.

Mr. MURRAY. The Dick bill was passed in 1904. When was the existing naturalization law passed?

Mr. GARDNER of Massachusetts. It was passed in 1906, but it did not include the title to which we have been referring.

Mr. MURRAY. That is the way I determine the question for myself.

Mr. GARDNER of Massachusetts. This law with regard to the naturalization of soldiers was passed in 1862.

Mr. MURRAY. It seems to me the meaning of "volunteer forces" there is different from what it would be if you reenacted those words.

Mr. GARDNER of Massachusetts. The gentleman says the meaning of the words "volunteer forces" is now different from what it would be if we reenacted those words?

Mr. MURRAY. Yes.

Mr. GARDNER of Massachusetts. If the gentleman will prepare an amendment, without asking other questions, excluding the militiamen, I shall offer it myself.

Mr. MURRAY. I am not willing to do that, because I would be delighted to see the militiamen included. In every sense they are on the same basis as the regular forces, except continuous service. Under the Dick bill the militiamen are under the orders of the commander in chief of the State they are in, and I think that is a wise provision, and I want to commend the committee for drafting such a resolution. I am not willing to present an amendment.

Mr. MANN. Mr. Speaker, may I inquire what is pending?

The SPEAKER pro tempore (Mr. KINDRED). Amendments to the bill.

Mr. GARDNER of Massachusetts. Mr. Speaker, how much time have I remaining?

The SPEAKER pro tempore. Thirty minutes.

Mr. GARDNER of Massachusetts. Does the gentleman from Illinois [Mr. MANN] desire time?

Mr. MANN. I only wanted to ask a question about the bill. It may duplicate questions that have been already asked, because it has been impossible to hear the conversation that has been taking place over there.

Mr. GARDNER of Massachusetts. I invite the attention of the gentleman from Illinois to the fact that I can not hear him. [Laughter.]

Mr. FOSTER. I suggest that if gentlemen over there would come over here they would be heard.

Mr. KENDALL. Suppose the committee moves over to the House. [Laughter.]

Mr. SABATH. I suggest, Mr. Speaker, that the gentlemen from Massachusetts should not always be so far apart. They should get together.

Mr. GARDNER of Massachusetts. What is the gentleman's question.

Mr. MANN. I notice the bill provides that an original or a verified copy of such discharge shall be attached to and made a part of the petition. Just what is meant by that?

Mr. GARDNER of Massachusetts. What is that conundrum? What is the gentleman reading from?

Mr. MANN. Page 2, line 15, in reference to the evidence that is desired. It says that either the original or a verified copy of such discharge shall be attached to and made a part of the petition. Will that be obligatory in every case? Is that what it means?

Mr. GARDNER of Massachusetts. If the gentleman will tell me what kind of a trap he is trying to lead me into I will answer his question.

Mr. MANN. I am not trying to lead the gentleman into a trap, but I will explain what I have in mind.

Mr. GARDNER of Massachusetts. That is what I want to know.

Mr. MANN. The bill provides that the petition may be filed either before or after the discharge from the Government service. It may also be filed either before or after discharge from the merchant-marine service. In the first case there is an honorable discharge, and in the other case there may be a certificate of the master. Apparently the bill would require either a copy of the original discharge or the original itself to be filed with every petition, although there may have been no discharge, as in the case of surgeons on merchant vessels, where there is no discharge, but only a certificate to be filed.

Mr. GARDNER of Massachusetts. May I ask the gentleman a question?

Mr. MANN. Certainly.

Mr. GARDNER of Massachusetts. I do not want to interrupt the gentleman, but if he will turn to line 16, page 2, would the gentleman's difficulty be cured if the words "or certificate as aforesaid" are inserted after the word "discharge"?

Mr. MANN. It would if there is a discharge at all, but this petition may be filed before the sailor is discharged. At the top of page 2 the gentleman will see it says:

> After three years of such service, while still in the service, or within six months after an honorable discharge therefrom.

Mr. GARDNER of Massachusetts. The gentleman is correct. That must be remedied in some way.

Mr. MANN. I would suggest to the gentleman, then, that if he will add after the word "discharge" the words "or certificate, if any," that would probably cover the case.

Mr. GARDNER of Massachusetts. Insert the words "certificate, if any."

Mr. MANN. "Discharge, if any." I would put "certificate" before "discharge."

Mr. BURNETT. After the word "such."

Mr. MANN. So that it will read:

> Copy of such certificate or discharge, if any.

Mr. GARDNER of Massachusetts. I think the gentleman is perfectly correct.

Mr. MURRAY. If the gentleman has concluded, may I ask him to withhold his motion for the previous question until after I have opportunity to move an amendment?

Mr. GARDNER of Massachusetts. I will yield to the gentleman for debate, not for the purpose of offering an amendment.

Mr. MURRAY. I should like to be recognized, so that I can offer an amendment.

Mr. GARDNER of Massachusetts. I propose to offer an amendment myself. How much time does the gentleman want for debate?

Mr. MURRAY. Five or ten minutes will do for debate.

Mr. GARDNER of Massachusetts. I do not want to yield the floor.

Mr. MURRAY. I am not asking the gentleman to do that.

Mr. GARDNER of Massachusetts. I am going to move the previous question, in accordance with the custom of the House.

Mr. MURRAY. If the gentleman will allow me to offer this amendment I think it may save time.

Mr. GARDNER of Massachusetts. The gentleman can take his own course about that.

Mr. MURRAY. Before the House votes on the previous question, I should like to offer my amendment.

Mr. GARDNER of Massachusetts. The gentleman can read it in his time. I yield to my colleague five minutes.

Mr. MURRAY. Mr. Speaker, I have tried to arrange with the gentleman from Massachusetts [Mr. GARDNER] that he withhold his motion for the previous question, in order that I might move to amend by adding a new section to the measure that will bring clearly before the House at this time the matter of affirming or withholding affirmation from the present naturalization laws. I have sent to the Clerk's desk, in order that it might be presented to the House, a proposed amendment, which I will now read:

Seventh. That any alien of the age of 21 years and upward, who has lived continuously for five years in the United States of America, has declared his intention to forswear allegiance to any king, queen, prince, or foreign potentate, and to become a citizen of the United States of America, and has satisfied the judge of any court authorized to grant citizenship that the applicant alien is of sound mind and of healthy body, may petition for naturalization in any court authorized to grant citizenship; and the petition of any such alien shall be docketed and final hearing had thereon by the court immediately, or at the convenience of the court, and within 90 days.

Mr. Speaker, the purpose of that amendment is to get away from some of the conditions which, to my mind, are entire hardships in the matter of the administration of the present naturalization laws. My first question to the gentleman from Massachusets, my colleague [Mr. GARDNER], when I succeeded in obtaining recognition was to ask him to state directly what are the present requirements of the naturalization laws. That statement has not been made to the House, and the reason why the gentleman is withholding a statement of the present requirements of the naturalization laws is known to him, but is not known to me. It may be that it is because even he recognizes that those requirements are harsh, indeed, for any man who is of the right sort and the right material to become a valued citizen of our country.

The conditions not only require five years of actual residence and the filing of the request for first papers at a time several months in advance of the granting of the final papers, but they also require that no certificate of citizenship, regardless of the length of residence of the alien, regardless of the time that may have elapsed since the first papers were applied for, shall be issued to any alien within 90 days of his application or 30 days of a general election.

Mr. Speaker, I insist that that requirement of the naturalization laws is a hardship so great that it has deterred many desirable men from making final application. The matter of voting at an election is not uppermost in the mind of the average man during most of the days of the year. Men do not begin to think of matters pertaining to election until the elections are upon us. Many applications are not made, therefore, until just before an election or a primary that may cause general interest in the matter of the right to vote. I say that provision of application before an election is a hardship that ought not to be continued, and I say that it has done more to keep desirable aliens from making application for citizenship than any other single feature of the naturalization laws.

Mr. Speaker, my proposed amendment requires certain things as the test of the question whether a man shall have final citizenship papers granted to him or not. It requires first five years of continuous residence in the country—not a year of residence and a year of departure to other countries, as has been frequently done under the system that is even now in vogue, but five years continuous residence—in order that we may be sure that the applicant is one who values residence as he will value citizenship in this country of ours.

It requires, too, that the alien shall forswear allegiance to any foreign king, queen, prince, or potentate, which ought to be an early step in the progress toward citizenship. It requires, too, the clear determination or intention that is firmly fixed in the mind of the applicant, that he desires to become a citizen of this country, that he may boast with pride of his American citizenship as men in early days used to boast of the citizenship that was theirs. It requires that he must satisfy the judge of the court to whom his application is addressed that he is of sound mind and healthy body.

I think it is a shocking scandal for agents of the Bureau of Naturalization to require men to pass civil-service examinations in some instances before they may be permitted to receive their final citizenship papers. My words are a feeble protest against that system, and the purpose of this amendment is to force a vote, if I may do so, at this time upon that matter.

The SPEAKER. The time of the gentleman has expired.

Mr. GARDNER of Massachusetts. Mr. Speaker, I do not think that this is a suitable time to introduce an amendment changing the whole naturalization law without its being thoroughly considered by the committee.

Mr. MURRAY. Does the gentleman yield?

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

Mr. GARDNER of Massachusetts. Yes; I yield.

Mr. MURRAY. May I inquire what opportunity has been afforded to get a hearing before the committee on similar propositions?

Mr. BURNETT. Has the gentleman ever asked for a hearing?

Mr. MURRAY. No; but many of my colleagues have.

Mr. BURNETT. None have been refused.

Mr. GARDNER of Massachusetts. I think the gentleman is doing an injustice to the chairman of the committee and the members of the committee. I know of no such case.

Mr. MURRAY. Does the gentleman know of any bill now pending before this House which has been referred to his committee, to lessen the requirements of the naturalization laws of the United States?

Mr. GARDNER of Massachusetts. We have a very long list of bills. I can not answer that question directly.

Mr. MURRAY. The thing that deterred me from introducing this bill and having it referred to the committee was a clear understanding that the point of view of the majority of the Democratic members and the majority of the Republican members of the committee was that this matter ought not to get into the subjects under consideration. I have informally discussed it with members of the committee. I have informally discussed it with my own colleague, Mr. CURLEY, a member of the committee. He is not here at this time, but I have understood from him and others that the committee was so busy with the Dillingham bill and the Burnett bill and other matters affecting the immigration laws that they were not willing to consider any proposed changes in the naturalization laws of the United States. It is a matter of surprise, indeed, to me to find even this bill to amend the naturalization laws, and I am taking advantage of the first opportunity that I reasonably believe I have to cause this amendment to be considered.

Mr. GARDNER of Massachusetts. How much time have I left?

The SPEAKER. The gentleman has 11 minutes.

Mr. GARDNER of Massachusetts. I yield to the gentleman from Illinois.

Mr. SABATH. Mr. Speaker, I desire to ask the gentleman from Massachusetts whether or not he is of the opinion that these high fees which are now paid by the applicant for citizenship should be remitted in these cases. At the present time every applicant is compelled to pay a fee of $5. I am of the opinion that after a man has served his country for five years in the Army or the Navy and is desirous to become naturalized it is unfair for us to impose this high fee upon him. I believe we can easily remit the fees of such applicants—men who have served their new adopted country faithfully for three or five years and have been honorably discharged.

Mr. GARDNER of Massachusetts. Mr. Speaker, the gentleman is a member of the committee. He knows that we never considered that proposition; at least, I do not remember that the committee considered it. I think it ought to have been brought to the attention of the committee for the committee to consider, and find out what the reasons were in favor or against the high fees. The gentleman from Illinois voted for reporting the bill as it stands.

Mr. SABATH. If I am not mistaken, Mr. Speaker, I did vote to report the bill, but I believe some consideration should be shown to these men who have faithfully and honestly served our country. It, however, did not occur to me while the bill was being considered in the committee, but it does occur to me now; and for that reason I thought that I might call the attention of the House to it and also call it to the attention of the gentleman from Massachusetts, and inquire of him whether he would not be in favor now of accepting such an amendment, as it never is too late to do right.

Mr. GARDNER of Massachusetts. The gentleman realizes perfectly well the situation which obtains here to-day. Some bills came up unexpectedly where the work had to be divided, where the committee was not as thoroughly prepared as it would like to have been, and the situation is such and I am acting in such a capacity that I am bound, no matter what my own views might be on remitting the dues, to insist on protecting the committee I happen to be representing at the present instance and insist that such questions should be reserved for the committee's prior consideration.

Mr. SABATH. I notice the chairman of the committee who is responsible for this measure sitting right close by the gentleman from Massachusetts. It would not take more than a minute to consult with him, and the chances are that he will agree to such an amendment.

Mr. BURNETT. If the gentleman from Massachusetts will pardon me, I will state that instead of reducing the fees I have been all the time in favor of increasing them. The fees are now so low that the clerks in the courts in the interior, where they have little of this business to do, have refused to take naturalization cases and have the papers on hand for the courts to pass upon. In my own town the clerks in our own courts have returned the papers. You can not force a State court to do it, and men are forced to go to Birmingham or somewhere else for the purpose of reaching a Federal court at great expense, because the fees are so insignificant that the clerks in the interior will not take them.

Now, we are making concessions to these men; we are making concessions that are not made to the German farmer that comes into the country for the purpose of making it a home, and why should we make any more concessions, cut off this measly fee of $5, to these men when we do not do it to men who come to make their homes among us? Why should we do it for these men when we are not doing it for others? I am for higher fees straight out.

Mr. SABATH. I mean to eliminate the fees only for those who have served the country in the Army and Navy. They surely can not be bad or objectionable people, and for that reason we should make it easier for them to become American citizens.

Mr. GARDNER of Massachusetts. Now, Mr. Speaker, I have an amendment to offer, which I send to the Clerk's desk.

The Clerk read as follows:

Page 2, line 16, strike out the word "discharge" and insert the words "certificate or discharge, if any."

Mr. HAMILL. Will the gentleman yield?

Mr. GARDNER of Massachusetts. Certainly.

Mr. HAMILL. What change does that make in the law?

Mr. GARDNER of Massachusetts. The law as we propose it says that the certificate or discharge must be attached to the petition; but we have provided also in the law that a man may make a petition before he gets his discharge, so that it might be possible that there would be no discharge.

Now, Mr. Speaker, I move the previous question on the bill and amendment.

The question was taken; and on a division (demanded by Mr. MURRAY) there were 43 ayes and 8 noes.

Mr. MURRAY. Mr. Speaker, I suggest the absence of a quorum.

The SPEAKER. Evidently no quorum is present. The Doorkeeper will close the doors and the Sergeant at Arms will notify the absentees. All those in favor of ordering the previous question will, when their names are called, answer "yea," and those who are opposed will answer "nay," and the Clerk will call the roll.

The question was taken; and there were—yeas 208, nays 10, answered "present" 8, not voting 157, as follows:

YEAS—208.

| | | | |
|---|---|---|---|
| Adamson | Davis, Minn. | Gudger | Linthicum |
| Akin, N. Y. | Davis, W. Va. | Hamill | Littlepage |
| Alexander | Dent | Hamilton, Mich. | Lobeck |
| Allen | Dickinson | Hamlin | McCreary |
| Anderson | Dickson, Miss. | Hardwick | McGillicuddy |
| Anthony | Dies | Hardy | McGuire, Okla. |
| Ashbrook | Difenderfer | Hart | McKenzie |
| Austin | Dodds | Haugen | McKinley |
| Bartlett | Donohoe | Hayden | McKinney |
| Bates | Doremus | Hayes | McLaughlin |
| Beall, Tex. | Doughton | Heflin | Macon |
| Bell, Ga. | Draper | Helgesen | Maguire, Nebr. |
| Blackmon | Dupré | Helm | Martin, S. Dak. |
| Booher | Edwards | Henry, Tex. | Matthews |
| Brantley | Ellerbe | Higgins | Miller |
| Buchanan | Esch | Holland | Moon, Tenn. |
| Bulkley | Evans | Houston | Morgan, La. |
| Burke, S. Dak. | Falson | Howard | Morgan, Okla. |
| Burke, Wis. | Farr | Howland | Morrison |
| Burnett | Ferris | Hughes, Ga. | Moss, Ind. |
| Butler | Flood, Va. | Humphrey, Wash. | Murdock |
| Byrnes, S. C. | Floyd, Ark. | Jacoway | Nelson |
| Byrns, Tenn. | Foss | Johnson, S. C. | Nye |
| Calder | Foster | Kahn | Olmsted |
| Callaway | Fowler | Kennedy | O'Shaunessy |
| Candler | French | Kent | Padgett |
| Cannon | Gardner, Mass. | Kindred | Plumley |
| Cantrill | Gardner, N. J. | Kinkaid, Nebr. | Porter |
| Carlin | Garner | Kinkead, N. J. | Pou |
| Claypool | Garrett | Knowland | Powers |
| Clayton | Gill | Konop | Pray |
| Collier | Gillett | La Follette | Rainey |
| Cooper | Godwin, N. C. | Lamb | Raker |
| Copley | Good | Langham | Rauch |
| Covington | Goodwin, Ark. | Langley | Roberts, Mass. |
| Cox | Graham | Lawrence | Roberts, Nev. |
| Crago | Gray | Lee, Ga. | Roddenbery |
| Crumpacker | Green, Iowa | Lee, Pa. | Rodenberg |
| Cullop | Greene, Mass. | Lenroot | Rouse |
| Currier | Greene, Vt. | Lever | Rubey |
| Dalzell | Gregg, Pa. | Lewis | Russell |
| Danforth | Gregg, Tex. | Lindbergh | Sharp |
| Sims | Stephens, Nebr. | Thomas | Whitacre |
| Slayden | Stephens, Tex. | Tilson | Wilder |
| Slemp | Sterling | Towner | Willis |
| Sloan | Stone | Townsend | Wilson, Ill. |
| Smith, J. M. C. | Sweet | Tribble | Wilson, Pa. |
| Smith, N. Y. | Switzer | Tuttle | Witherspoon |
| Smith, Tex. | Taggart | Vare | Wood, N. J. |
| Stedman | Talcott, N. Y. | Volstead | Young, Kans. |
| Stephens, Cal. | Taylor, Ohio | Warburton | Young, Mich. |
| Stephens, Miss. | Thistlewood | Watkins | Young, Tex. |

NAYS—10.

| | | | |
|---|---|---|---|
| Borland | Gallagher | Reilly | Thayer |
| Burleson | Lafferty | Sabath | |
| Curley | Murray | Sherwood | |

ANSWERED "PRESENT"—8.

| | | | |
|---|---|---|---|
| Browning | Hobson | Kendall | Saunders |
| Hinds | Jackson | Mann | Talbott, Md. |

NOT VOTING—157.

| | | | |
|---|---|---|---|
| Adair | Finley | Lindsay | Redfield |
| Aiken, S. C. | Fitzgerald | Littleton | Rees |
| Ainey | Focht | Lloyd | Reyburn |
| Ames | Fordney | Longworth | Richardson |
| Andrus | Fornes | Loud | Riordan |
| Ansberry | Francis | McCall | Rothermel |
| Ayres | Fuller | McCoy | Rucker, Colo. |
| Barchfeld | George | McDermott | Rucker, Mo. |
| Barnhart | Glass | McKellar | Scott |
| Bartholdt | Goeke | McMorran | Scully |
| Bathrick | Goldfogle | Madden | Sells |
| Berger | Gould | Maher | Shackleford |
| Boehne | Griest | Martin, Colo. | Sheppard |
| Bradley | Guernsey | Mays | Sherley |
| Broussard | Hamilton, W. Va. | Merritt | Simmons |
| Brown | Hammond | Mondell | Sisson |
| Burgess | Harris | Moon, Pa. | Small |
| Burke, Pa. | Harrison, Miss. | Moore, Pa. | Smith, Saml. W. |
| Campbell | Harrison, N. Y. | Moore, Tex. | Smith, Cal. |
| Carter | Hartman | Morse, Wis. | Sparkman |
| Cary | Hawley | Mott | Speer |
| Clark, Fla. | Hay | Needham | Stack |
| Cline | Heald | Neeley | Stanley |
| Conry | Henry, Conn. | Norris | Steenerson |
| Cravens | Hensley | Oldfield | Stevens, Minn. |
| Curry | Hill | Page | Sulloway |
| Daugherty | Howell | Palmer | Taylor, Ala. |
| Davenport | Hughes, W. Va. | Parran | Taylor, Colo. |
| Davidson | Hull | Patten, N. Y. | Turnbull |
| De Forest | Humphreys, Miss. | Patton, Pa. | Underhill |
| Denver | James | Payne | Underwood |
| Dixon, Ind. | Johnson, Ky. | Pepper | Vreeland |
| Driscoll, D. A. | Jones | Peters | Webb |
| Driscoll, M. E. | Kitchin | Pickett | Weeks |
| Dwight | Konig | Post | White |
| Dyer | Kopp | Prince | Wilson, N. Y. |
| Estopinal | Korbly | Prouty | Woods, Iowa |
| Fairchild | Lafean | Pujo | |
| Fergusson | Legare | Randell, Tex. | |
| Fields | Levy | Ransdell, La. | |

So the previous question was ordered.

The Clerk announced the following pairs:

For the session:

Mr. LITTLETON with Mr. DWIGHT.

Mr. TALBOTT of Maryland with Mr. PARRAN.

Mr. PALMER with Mr. HILL.

Mr. RIORDAN with Mr. ANDRUS.

Mr. FORNES with Mr. BRADLEY.

Mr. HOBSON with Mr. FAIRCHILD.

Until further notice:

Mr. SCULLY with Mr. BROWNING.

Mr. PATTEN of New York with Mr. MCCALL.

Mr. PUJO with Mr. MCMORRAN.

Mr. UNDERWOOD with Mr. MANN.

Mr. HENSLEY with Mr. KOPP.

Mr. SPARKMAN with Mr. DAVIDSON.

Mr. FINLEY with Mr. SULLOWAY.

Mr. CONRY with Mr. MICHAEL E. DRISCOLL.

Mr. MCKELLAR with Mr. PICKETT.

Mr. GOULD with Mr. HINDS.

Mr. AIKEN of South Carolina with Mr. AINEY.

Mr. ADAIR with Mr. AMES.

Mr. ANSBERRY with Mr. BARCHFELD.

Mr. AYRES with Mr. BARTHOLDT.

Mr. BARNHART with Mr. BURKE of Pennsylvania.

Mr. BATHRICK with Mr. CAMPBELL.

Mr. BOEHNE with Mr. CURRY.

Mr. BROWN with Mr. DYER.

Mr. BURGESS with Mr. FOCHT.

Mr. CARTER with Mr. FULLER.

Mr. CLARK of Florida with Mr. GRIEST.

Mr. DIXON of Indiana with Mr. HARTMAN.

Mr. ESTOPINAL with Mr. HAWLEY.

Mr. FIELDS with Mr. HEALD.

Mr. FITZGERALD with Mr. MERRITT.

Mr. FRANCIS with Mr. HENRY of Connecticut.

Mr. GEORGE with Mr. HOWELL.

Mr. GLASS with Mr. HUGHES of West Virginia.

Mr. HAMMOND with Mr. LAFEAN.

Mr. HARRISON of New York with Mr. FORDNEY.
Mr. HARRISON of Mississippi with Mr. MOON of Pennsylvania.
Mr. HAY with Mr. PATTON of Pennsylvania.
Mr. HULL with Mr. PAYNE.
Mr. HUMPHREYS of Mississippi with Mr. PRINCE.
Mr. JAMES with Mr. PROUTY.
Mr. JOHNSON of Kentucky with Mr. REES.
Mr. KITCHIN with Mr. NEEDHAM.
Mr. KONIG with Mr. REYBURN.
Mr. KORBLY with Mr. SCOTT.
Mr. LEVY with Mr. SELLS.
Mr. MCCOY with Mr. SIMMONS.
Mr. MCDERMOTT with Mr. SMITH of California.
Mr. OLDFIELD with Mr. SAMUEL W. SMITH.
Mr. PAGE with Mr. SPEER.
Mr. PEPPER with Mr. STEVENS of Minnesota.
Mr. PETERS with Mr. WEEKS.
Mr. POST with Mr. VREELAND.
Mr. RICHARDSON with Mr. WOODS of Iowa.
Mr. ROTHERMEL with Mr. MOORE of Pennsylvania.
Mr. RUCKER of Missouri with Mr. MONDELL.
Mr. SMALL with Mr. MOTT.
Mr. UNDERHILL with Mr. LOUD.
Mr. WEBB with Mr. HARRIS.
Mr. STANLEY with Mr. GUERNSEY.
For this day:
Mr. SISSON with Mr. KENDALL.
Mr. LLOYD with Mr. DE FOREST.
Until February 1:
Mr. SHACKLEFORD with Mr. LONGWORTH.

Mr. BROWNING. Mr. Speaker, did the gentleman from New Jersey, Mr. SCULLY, vote?

The SPEAKER. He did not.

Mr. BROWNING. Mr. Speaker, I desire to withdraw my vote of "yea" and answer "present."

The name of Mr. BROWNING was called, and he answered "Present."

Mr. MANN. Mr. Speaker, I am paired with the gentleman from Alabama, Mr. UNDERWOOD. I desire to withdraw my vote of "yea" and be recorded "present."

The name of Mr. MANN was called, and he answered "Present."

The result of the vote was announced as above recorded.

A quorum being present, the doors were opened.

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

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

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

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

EXPENDITURES IN THE STATE DEPARTMENT.

When the Committee on Expenditures in the State Department was called:

Mr. HAMLIN. Mr. Speaker, the Committee on Expenditures in the State Department instructed me to call up a bill, but after conference with certain members of said committee I think I shall ask unanimous consent to occupy about five minutes of time in making a statement in relation to it and not call up the bill at this time. I do this because there are so many bills of vital importance which ought to be passed before March 4 next that we feel, under the circumstances, we ought not to take up the time of the House now.

The SPEAKER. Is there objection?

There was no objection.

Mr. HAMLIN. I was instructed to call up the bill (H. R. 21224) to amend section 291 of the Revised Statutes of the United States. The purpose of this bill was to restrict expenditures of a certain fund appropriated each year for use in the State Department, known as the diplomatic or consular fund, commonly known as the "secret fund." The Members of the House are familiar with the fact that our committee held extended hearings some months ago in relation to the expenditures of moneys by the State Department, and found what we thought to be a very great abuse in the expenditures of that department, especially in the expenditure of the so-called "secret fund." As a result of that fact the committee reported a bill here providing for the creation of a joint committee, composed of three Members of the House, with three Members of the Senate, to which committee the President and Secretary of State should report each year by an itemized statement the expenditures out of this secret fund. Then that committee would determine what portion, if any, of this expenditure should be made public, and what portion, if any, should not be made public. The only purpose of this committee was to prevent the useless, reckless, and unlawful use of that fund by the State Department. Before the close of the hearings, however, we felt that the purpose we intended to bring about had been accomplished, as evidenced by the statement of the present Secretary of State. We called upon him for the production of certain vouchers which showed the expenditure of money covered in settlement with the Treasury under section 291 of the Revised Statutes of the United States. After refusing for some time to produce those vouchers, he finally did so, and made this statement in answer to the following question by the chairman:

The CHAIRMAN. Mr. Secretary, I certainly congratulate you upon getting around to our view of this matter.

Secretary KNOX. I had not the slightest hesitation in getting there when I got started.

The CHAIRMAN. We have certainly done some good if we have convinced you that these expenditures should not have been covered by secret certificates under section 291.

Secretary KNOX. There was no excuse for it whatever.

The CHAIRMAN. I do not hesitate to say, speaking for myself, that it was not so much this particular item as it was the principle of the thing for which I have been contending. We felt that you had a practice in the State Department of covering in settlement with the Treasury expenditures out of appropriations that ought not to be covered by certificates under section 291, and it was for the purpose of settling the question as to whether you could legally do that that you have been called upon to produce these vouchers.

Secretary KNOX. As I said to you the other day, it became evident to me that there had been loose practice in the department in regard to the authority conferred by section 291, and for that reason—and I think it is due to you to say that the investigations by this committee directed my attention to the subject—I issued the order that I told you about the other day, a copy of which I will furnish you.

The copy of the order is as follows, and I will ask permission to incorporate in the statement I am making a copy of those orders:

[No. 32.]

REGULATIONS GOVERNING EXPENDITURES FROM THE APPROPRIATION FOR "UNFORESEEN EMERGENCIES ARISING IN THE DIPLOMATIC AND CONSULAR SERVICE, AND TO EXTEND THE COMMERCIAL AND OTHER INTERESTS OF THE UNITED STATES."

1. Expenditures from the appropriation for emergencies will be made solely upon written authorizations signed by the President or by the Secretary of State, or, in his absence, by the Acting Secretary of State, in all cases prior to the making of an expenditure or the issuing of any instruction placing a charge upon the appropriation.

2. All authorizations when submitted for signature shall set forth, except as hereinafter ordered to the contrary, (1) the purpose of the expenditure; (2) the rate of compensation if for services; (3) the period of employment or expenditure, if for a fixed term, or, when not definitely known, the approximate term; (4) the total charge to be made against the appropriation, if it can be ascertained, and if not, an approximate estimate; (5) the available balance of the appropriation at the time of authorization (the balance to be inserted in the authorization by the Chief of the Bureau of Accounts over his initials prior to the signing of the authorization by the Secretary of State).

3. Persons traveling or on special detail in connection with the objects of the appropriation, whose accounts are payable from the appropriation, shall receive reimbursement for actual, reasonable, and necessary expenses in addition to their regular compensation provided by law or regulation. Persons not in the employ of the Government may be given a stipulated rate of compensation and actual and necessary expenses, or a per diem in lieu of compensation and expenses according to the direction of the President or the Secretary of State in each case. A per diem allowance for expenses in addition to salary provided by law is prohibited. A copy of the appointment, designation, or contract in each case must be annexed to the account when submitted for approval.

4. The disbursement of moneys from the appropriation shall ordinarily be made by check, but cash payment may be made in those cases authorized by Treasury Regulations when the payment is made by the disbursing officer in person or by his deputy and the exchange of money and the receipt therefor is simultaneous.

5. When for any reason the President or the Secretary of State may deem it inexpedient in the public interest to make known the purpose or manner of a proposed expenditure from the appropriation, the authorization will be so drawn for the amount stipulated and the money will be paid over to the President or the Secretary of State upon the execution of a receipt therefor, which shall be filed as a voucher.

6. When presented for approval, all accounts for moneys chargeable to the appropriation shall have attached thereto the authorization in each case, and shall be itemized and supported by vouchers according to the usual practice required by law and the regulations of the Comptroller of the Treasury, except in cases where from the nature and method of the expenditure it is impracticable or inexpedient in the public interest to do so, and in such cases the personal certificate of the person expending the money may be accepted in lieu of vouchers in support of the account, when approved by the Secretary of State.

7. All accounts for moneys payable from the appropriation for emergencies that are not of a confidential nature shall be settled with the accounting officers of the Treasury by submitting the original paid vouchers in the same manner as expenditures from other appropriations, but such as may be considered confidential will be settled upon a certificate signed by the Secretary of State, or in his absence by the Acting Secretary of State, under section 291 of the Revised Statutes.

8. All authorizations, accounts, and certificates relating to the aforesaid appropriation will be presented for the signature of the Secretary or Acting Secretary of State through the Director of the Consular Service or such other officer as shall have been designated by the Secretary of State to supervise the finances of the department.

9. The authorizations given shall be numbered and filed numerically by the Bureau of Accounts and separate from the paid voucher, the number and date of each authorization being noted upon the account to which it relates.

10. All correspondence in relation to expenditures from the appropriation for emergencies shall be signed by the Secretary of State, or in his absence by the Acting Secretary of State.

These regulations will become effective on and after June 15, 1911.

P. C. KNOX.

DEPARTMENT OF STATE,
*Washington, June 1, 1911.*

[No. 31.]

It is hereby ordered that from this date and until otherwise directed the general administrative departmental supervision of all financial matters affecting the foreign-service establishment shall be in charge of the Director of the Consular Service, acting under the general direction of the department.

The formal signature and approval required by law to be by Assistant Secretaries will continue as now allotted. The administrative direction and responsibility in all financial matters affecting the Departmental, Diplomatic, and Consular Services will continue under the administrative direction and supervision of the chief clerk, the Third Assistant Secretary, and the Director of the Consular Service, respectively, as at present.

The Third Assistant Secretary of State and the Director of the Consular Service will require, respectively, from the Chiefs of the Diplomatic and Consular Bureaus, as well as from other departmental officers concerned, the most painstaking and methodical assistance. The chief clerk will make similar requirement of all departmental officers concerned, and including especially those in charge of the stationery room, mail room, stables, etc., and those concerned in the purchase or handling of departmental supplies. The chief clerk will also take all steps to introduce labor-saving methods in the department, and to make sure day by day that the clerical force is so distributed as to accomplish the maximum amount of work.

In this connection the chief clerk will proceed at once to collect and submit to the general direction of the department the absolutely accurate efficiency reports upon department personnel contemplated by the Executive order of November 26, 1909.

The Bureau of Accounts will report directly to the Director of the Consular Service in addition to conferring with the Third Assistant Secretary and the chief clerk. No class of correspondence will be carried on by the Bureau of Accounts except as specifically authorized by the Director of the Consular Service, the Bureau of Accounts limiting its activities to the actual processes of accounting, verification, disbursement, estimates, etc.

Every item of proposed expenditures must be passed upon by the bureau, division, or office within the sphere of the work of which the object of the expenditure falls. It must also be passed upon by the Diplomatic Bureau, the Consular Bureau, or the chief clerk, according to the branch of the service affected. It must also be passed upon by the Third Assistant Secretary if diplomatic, and if consular by the Director of the Consular Service, who also in all doubtful cases will always consult the comptroller and when desirable the solicitor, who will familiarize himself with the laws bearing upon the financial affairs of the department. In case of any particularly important or unusual item, the general direction of the department will also be consulted before final authorization is given. With the exception of signatures required by law, the fact of approval may be indicated by the initials of the officer so approving.

The same officers will be responsible for the determination of the fact that the department got value received for the expenditure made, the Bureau of Accounts being responsible for such questions as those of availability of funds and the correctness of the whole process. These rules shall be rigidly applied to all expenditures.

To enable the Director of the Consular Service to assume this additional responsibility, he is hereby authorized so to strengthen the Consular Bureau, by transfers or otherwise, as to enable that bureau to relieve him of such amount of the detail of consular work as will leave him only what is appropriate and necessary for the attention of the administrative officer directing that service.

P. C. KNOX.

DEPARTMENT OF STATE,
*Washington, May 20, 1911.*

[No. 34.]

The Third Assistant Secretary and the chief clerk of the department are hereby designated to make, semiannually, an examination of all expenditures made by the Chief of the Bureau of Accounts and disbursing clerk other than those subject to the examination and audit of the accounting officers of the Treasury. Particular attention is to be directed to all expenditures covered by certificate in pursuance of section 291 of the Revised Statutes. The examination will take place during the months of July and January and will include an inspection of all vouchers, account books, and other evidences of expenditures of money, and the proper checking of those vouchers against the accounts of the various appropriations, and of the accounts of the Chief of the Bureau of Accounts and disbursing clerk. Upon the completion of each examination a written report will be made to the Secretary of State showing the condition of the accounts and pointing out any irregularities that may be found to exist or any improvements in methods that may be thought to be desirable.

This order shall be in effect on and after July 1, 1911.

P. C. KNOX.

DEPARTMENT OF STATE,
*Washington, July 1, 1911.*

Afterwards he made this statement:

Secretary KNOX. Under the operation of that order no vouchers are passed under section 291 unless they are brought to me in a separate envelope printed on the back in legible type, "These vouchers are for the personal inspection of the Secretary of State," for the purpose of considering whether they are proper to be passed under section 291; they are not brought to me with the mail, and the chief clerk is directed to deliver them to my private secretary with instructions that these are vouchers proposed to be passed under section 291 and are to be handed to me personally, so that I am trying to do everything in my power, at least, to see that proper practice is followed.

The CHAIRMAN. I am very much obliged to you for that statement, and I will say, furthermore, that I am sure it is not the purpose of this committee to try to get hold of information that we ought not to have; but we had reached the conclusion—some of us at least—as I said a while ago, that the practice in the State Department had been such that many dollars of the public money was being expended and information in regard to the expenditures denied to Congress and to the public that ought not to be denied to the public. I feel, of course, that Congress being the body that appropriates the money, it is entitled to all the information as to how it is expended, and that if there is anything that ought to be kept secret we can keep it as well as anybody else.

In view of that statement, Mr. Speaker, the committee has felt that the only purpose that we had in view has perhaps been accomplished. We have no pride of authorship in any bill which we report here but only to prohibit the misuse of this money. If our efforts have been successful in calling the attention of the present Secretary of State to the fact, and he has finally consented to correct this evil, we express the hope and belief that the next Secretary of State will follow along the same lines and throw around the expenditure of this money all the safeguards necessary, in order that the money may not be misused. Then we will have accomplished our purpose and will therefore have no desire to impose upon the House the consideration of this bill at this time.

That is all I care to say. [Applause.]

The SPEAKER. For what did the gentleman from Missouri [Mr. HAMLIN] ask unanimous consent?

Mr. HAMLIN. Mr. Speaker, I desire to ask unanimous consent to insert some copies of orders of the Secretary of State, which I did not read, in my remarks. I will ask permission to extend my remarks in the RECORD for the purpose of inserting some documents.

The SPEAKER. What was the gentleman's request which he submitted a moment ago?

Mr. HAMLIN. That the bill be passed by now.

The SPEAKER. The gentleman asks unanimous consent——

Mr. HAMLIN. I did not ask unanimous consent to pass our committee. I said that we would not avail ourselves of the opportunity of calling up the bill at this time.

The SPEAKER. Is there objection to the gentleman from Missouri extending his remarks in the RECORD? [After a pause.] The Chair hears none.

BUSINESS OF COMMITTEE ON RULES.

Mr. HENRY of Texas (when the Committee on Rules was called). Mr. Chairman, I ask unanimous consent that the Committee on Rules be passed without prejudice.

The SPEAKER. The gentleman from Texas [Mr. HENRY] asks unanimous consent to pass the Committee on Rules without prejudice.

Mr. MANN. Reserving the right to object, it seems to me a strange request to come from the Committee on Rules, which at any time can bring in a rule to make anything in order. Why does the gentleman desire to have the Committee on Rules passed?

Mr. HENRY of Texas. There are one or two little matters that are not privileged but that are on the calendar, and I would like to call them up from the calendar.

Mr. MANN. There is nothing on the calendar reported from the Committee on Rules which has not been there for a long time, and the gentleman knows that we are approaching the end of Calendar Wednesday so far as this session of Congress is concerned. I think we ought to understand in the House what may possibly come up. If you pass over a committee without knowing what may be called up from that committee the House can have no conception of what may come before it. What is the gentleman's purpose? Let us be frank in regard to it. There is only one thing on the calendar reported from the Committee on Rules, and the gentleman can state what his objection is in regard to that.

Mr. HENRY of Texas. There are several matters on the calendar from the Committee on Rules. I do not know that the committee will call up anything, but this is one time that the committee would like to be passed over for a while.

Mr. MANN. There are two propositions reported from the Committee on Rules. One is a good-roads proposition, introduced by the gentleman from Alabama [Mr. UNDERWOOD], which was incorporated in the Post Office appropriation bill last summer, and, I take it, is not likely to be called up again. The other is the Monticello proposition, in which Members of the House are interested, and I think we ought to know whether the gentleman intends to call that up or not.

Mr. HENRY of Texas. Well, I will state that I am not ready to say whether I will or not. I may, and I may not. I have not made up my mind that I shall call it up. But the good-roads proposition is on the calendar, and there are one or two incidental matters that may be hooked onto that that would be of interest to the House.

Mr. MANN. The good-roads proposition is to create a commission, and that commission has already been created by law.

Mr. HENRY of Texas. It is on the calendar yet, and we have the right to dispose of it. I hope the gentleman from Illinois will not object. I do not know that I shall bring up

anything, but I simply request that we pass this committee over.

Mr. MANN. I do not want to object to the request of the gentleman from Texas, but in view of the fact that his committee can at any time bring in a rule for the consideration of measures, I will ask him to break up the practice of passing over committees. If we commence to do that we are lost.

Mr. BURKE of South Dakota. I would like to ask the gentleman from Texas a question.

Mr. HENRY of Texas. Very well.

Mr. BURKE of South Dakota. I would like to ask the gentleman what is meant by passing a committee without prejudice?

Mr. HENRY of Texas. I suppose that it means that we can take it up on the next Calendar Wednesday as unfinished business.

Mr. BURKE of South Dakota. Is there any precedent for that, and would not the gentleman have to take his chance if the committee is simply passed over without prejudice?

Mr. HENRY of Texas. We could take our chance and go back as soon as the irrigation bill is considered.

Mr. BURKE of South Dakota. The gentleman is technical. I doubt very much if the passing of the committee without prejudice would entitle that committee to the privilege of calling up a bill on the next Calendar Wednesday.

Mr. HENRY of Texas. I think that would be the understanding.

Mr. SLAYDEN. Mr. Speaker, I want to ask my colleague a question.

The SPEAKER. Does the gentleman yield?

Mr. HENRY of Texas. Yes.

Mr. SLAYDEN. I want to ask if that is his interpretation of the rule and if he is reasonably confident of that fact, if the committee were now passed, that he would come in at the conclusion of the unfinished business on the following Calendar Wednesday?

Mr. HENRY of Texas. I think that would be the construction, that the House could afford to take up the business of that committee when the unfinished business is disposed of.

The SPEAKER. Is there objection?

Mr. MANN. I object.

The SPEAKER. The gentleman from Illinois [Mr. MANN] objects. Does the gentleman from Texas [Mr. HENRY] desire to call up anything of his committee?

Mr. HENRY of Texas. I pass now.

The SPEAKER. But the gentleman from Illinois [Mr. MANN] objected to passing.

Mr. HENRY of Texas. I do not care to call up anything from the Committee on Rules.

The SPEAKER. The Clerk will call the next committee.

The Clerk proceeded with the call of committees.

Mr. TALBOTT of Maryland (when the Committee on the Library was called). I move, Mr. Speaker, that the House do now adjourn.

The SPEAKER. The gentleman from Maryland [Mr. TALBOTT] moves that the House do now adjourn. The question is on agreeing to that motion.

The question was taken; and the Speaker announced that the "noes" seemed to have it.

Mr. LINTHICUM. I ask for a division, Mr. Speaker.

The House divided; and there were—ayes 39, noes 67.

So the House refused to adjourn.

The SPEAKER. The gentleman from Texas [Mr. SLAYDEN] is recognized.

AMERICAN ACADEMY OF ARTS AND LETTERS.

Mr. SLAYDEN. Mr. Speaker, I call up House bill 18505, House Calendar No. 351, incorporating the American Academy of Arts and Letters.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

A bill (H. R. 18505) incorporating the American Academy of Arts and Letters.

*Be it enacted, etc.*, That William Dean Howells, of New York; Henry James, of Massachusetts; Henry Adams, of the District of Columbia; Thomas Raynesford Lounsbury, of Connecticut; Theodore Roosevelt, of New York; John Singer Sargent, of Massachusetts; Horace Howard Furness, of Pennsylvania; Alfred Thayer Mahan, of New York; Daniel Chester French, of New York; John Burroughs, of New York; James Ford Rhodes, of Massachusetts; Horatio William Parker, of Connecticut; William Milligan Sloane, of New York; Robert Underwood Johnson, of New York; George Washington Cable, of Massachusetts; Andrew Dickson White, of New York; Henry van Dyke, of New Jersey; William Crary Brownell, of New York; Basil Lanneau Gildersleeve, of Maryland; Woodrow Wilson, of New Jersey; Arthur Twining Hadley, of Connecticut; HENRY CABOT LODGE, of Massachusetts; Francis Hopkinson Smith, of New York; Edwin Howland Blashfield, of New York; William Merritt Chase, of New York; Thomas Hastings, of New York; Hamilton Wright Mabie, of New Jersey; Brander Matthews, of New York; Thomas Nelson Page, of the District of Columbia; Elihu Vedder, of Massachusetts; George Edward Woodberry, of Massachusetts; Kenyon Cox, of New York; George Whitefield Chadwick, of Massachusetts; Abbott Handerson Thayer, of New Hampshire; John Muir, of California; Charles Francis Adams, of Massachusetts; Henry Mills Alden, of New Jersey; George de Forest Brush, of New Hampshire; William Rutherford Mead, of New York; John White Alexander, of New York; Bliss Perry, of Massachusetts; Francis Davis Millet, of New York; Abbott Lawrence Lowell, of Massachusetts; James Whitcomb Riley, of Indiana; Nicholas Murray Butler, of New York; Paul Wayland Bartlett, of New York; George Browne Post, of New York, and their successors, duly chosen, are hereby incorporated, constituted, and declared to be a body corporate of the District of Columbia, by the name of the American Academy of Arts and Letters.

SEC. 2. That the purposes of this corporation are and shall be the furtherance of the interests of literature and the fine arts.

SEC. 3. That the American Academy of Arts and Letters shall consist of not more than 50 regular members, and the said corporation hereby constituted shall have power to make by-laws and rules and regulations; to fill all vacancies created by death, resignation, or otherwise; to provide for the election of foreign, domestic, or honorary associate members, and the division of such members into classes, and to do all other matters needful or usual in such institutions.

SEC. 4. That the American Academy of Arts and Letters shall hold an annual meeting at such place in the United States as may be designated and shall make an annual report to the Congress, to be filed with the Librarian of Congress.

SEC. 5. That the American Academy of Arts and Letters be, and the same is hereby, authorized and empowered to receive bequests and donations of real or personal property and to hold the same in trust, and to invest and reinvest the same for the purpose of furthering the interests of literature and the fine arts.

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

Mr. BARTLETT. Mr. Speaker, I am opposed to this bill.

The SPEAKER. The gentleman is recognized for an hour.

Mr. BARTLETT. I do not desire, Mr. Speaker, to take the gentleman from Texas [Mr. SLAYDEN] off the floor. I yield to the gentleman.

Mr. SLAYDEN. Mr. Speaker, I am entitled to the time, but the gentleman from Georgia can go ahead.

The SPEAKER. The gentleman from Texas [Mr. SLAYDEN] undoubtedly would have been entitled to the time, but the gentleman from Georgia [Mr. BARTLETT] rose and the gentleman from Texas did not.

Mr. BARTLETT. Mr. Speaker, I reserve my time, and yield the floor to the gentleman.

The SPEAKER. How much time does the gentleman yield?

Mr. BARTLETT. I reserve the balance of my time, and yield to the gentleman from Texas. I do not desire to take the floor in advance against the gentleman. I only took the floor because the Speaker was about to put the question.

Mr. GARNER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARNER. If the gentleman from Georgia [Mr. BARTLETT] yields the floor and the gentleman from Texas [Mr. SLAYDEN] takes the floor, can the gentleman from Georgia reserve the right to take the floor again? I simply want to ask the question as a parliamentary inquiry.

Mr. MANN. Whoever has the floor in his own right can move the previous question.

Mr. GARNER. That is what I thought.

The SPEAKER. What was the remark of the gentleman from Illinois?

Mr. MANN. I said whoever yields the floor in his own right can move the previous question.

The SPEAKER. But suppose he does not want to move the previous question?

Mr. MANN. Then the gentleman from Georgia would be entitled to his time.

Mr. GARNER. This was the parliamentary inquiry that I asked in the endeavor to get from the Chair a ruling on this point: If the gentleman from Georgia reserves the balance of his time and yields the floor to the gentleman from Texas, and if the gentleman from Texas, in his own time, sees proper to move the previous question, would he not cut off the time of the gentleman from Georgia?

Mr. MANN. He would if it was ordered.

The SPEAKER. Undoubtedly. If the House sustained the demand, that is what would happen.

Mr. TALBOTT of Maryland. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. TALBOTT of Maryland. The gentleman from Georgia having been recognized, is he not entitled to an hour?

The SPEAKER. Answering the gentleman from Maryland, it is the uniform practice of the House for the Chairman or the Speaker, or whoever happens to be presiding, to recognize the gentleman that is in charge of the bill, and he is recognized for an hour if he shows any disposition to take it. If he uses up his hour and does not move the previous question, another gentleman is recognized, and so on, to the end of the chapter. But the Member who is managing the bill, or anybody else who

has the floor, can move the previous question, and if the House orders the previous question, that is the end of it.

Now, no one rose, and the Chair started to put the question as to the engrossment and third reading of the bill. After the Chair started to put that question the gentleman from Georgia rose and was undoubtedly entitled to the floor. If the gentleman from Georgia yields the floor and the gentleman from Texas takes the floor in his own right, whenever he gets ready he can move the previous question.

Mr. BARTLETT. Mr. Speaker, I desire to say that I was in the observance of the rights of a Member of the House when I rose and stated that I was opposed to the bill. At that time nobody suggested that he desired to take the floor in advocacy of the bill, but I desired to present some reasons for not supporting it. Now, out of courtesy, I desire to yield the floor, and, if the previous question is not ordered, could not the Chair recognize me again?

The SPEAKER. If the gentleman from Texas takes his seat without moving the previous question, the Chair will recognize the first gentleman who wants recognition.

Mr. KENDALL. But the gentleman from Georgia would have no prior right over anybody else.

The SPEAKER. No; but the Chair might see him a little more quickly.

Mr. SLAYDEN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SLAYDEN. I shall have to make a brief statement to make my inquiry clear. I called up this resolution and expected to make a brief statement about it, and then turn it over to my colleague on the committee, Mr. TOWNSEND. Just at that moment there was so much confusion that I could not hear what was going on, and by an accident my papers were knocked off the desk, and while I was endeavoring to recover the papers the Speaker, properly assuming that I had nothing to say about it, took it for granted I did not intend to offer any explanation and started to put the question as to the engrossment and third reading of the bill. I did intend to avail myself of the right to an hour, for the purpose of giving the gentleman from New Jersey an opportunity to make an explanation. If I had the floor I certainly would not move the previous question and shut off my friend, the gentleman from Georgia.

Mr. BARTLETT. Then, Mr. Speaker, as far as I am concerned, I yield the floor.

Mr. SLAYDEN. Mr. Speaker, I yield to the gentleman from New Jersey [Mr. TOWNSEND] for an explanation of the bill.

Mr. TOWNSEND. Mr. Speaker, this bill was so recently reported that I assume that Members have had little opportunity to read the report submitted by the committee. It is brief, and I shall take the liberty of reading it first because it makes a very clear exposition of why these gentlemen have come to Congress for this purpose. This bill, I may say, is supplementary to another bill already passed the House to incorporate the institute.

The report is as follows:

The purpose of this bill is to incorporate a distinguished body of authors, artists, and composers of music analagous to the National Academy of Sciences, which received a national charter in 1863. It may fairly be said to occupy the same relative position toward literature and the arts which the latter organization has always occupied toward science.

The object of the academy is to stimulate the production of good professional work by upholding the best standards and giving recognition to excellence.

It is neither the purpose nor desire to obtain financial aid from the Government, but merely to enable the organization to receive and expend any fund which, for the purpose of advancing literature and the arts, may be intrusted to its good faith, its experience, and its knowledge of the best use to which such fund may be put.

In the constitution of the academy there is no sectional, partisan, social, or other bias. The members are men of national reputation in their several activities. They are chosen, as vacancies occur, from the membership of the National Institute of Arts and Letters, by which the academy was established in 1905, and which, in turn, was organized in 1898 by the American Social Science Association.

The academy has no commercial purpose in view, and the granting of the charter will prove an encouragement and a stimulus to literature and the arts. The committee is unanimously of the opinion that the charter should be granted.

Now, Mr. Speaker, if the Members took notice during the reading of the bill of the names of the 50 gentlemen and their locality, they, of course, saw, without any argument, that they are the names of 50 men, distinguished gentlemen in arts, and letters, and composition of music in the United States. While it has never been the business of these gentlemen to favor any section, they have been very fortunate in finding men and women whose excellence either in art or letters or musical composition entitles them to be classed with these 50; there is scarcely a section of the country that is not represented by some literary or artistic person in this list.

These gentlemen are asking only what has been done by Congress for the scientific bodies of this country, and if this body is incorporated it will be to literature, arts, and music what the incorporated scientific body is to science, and no one with any interest in such matters but can have observed how greatly science has been encouraged by the promotion of this scientific body in giving encouragement to the young and eager workers in science. Just exactly such encouragement will be given to the workers in arts and letters by the measure we present here to-day.

Mr. Speaker, it is undoubtedly true, I think, as has been stated here, that the United States is the only country with any profession whatever for a love of or encouragement of literature and art that has not an incorporated body such as is here designed. Perhaps Members are most familiar with that incorporated in France, which has done for the literature of France immeasurable good. Undoubtedly this body could do a great deal of good, because those who work in this profession, perhaps, are the only ones who really recognize how much assistance it is to the young author to have his work recognized by the masters of his profession, men that he looks up to as able critics. Encouragement and other help will be given by this body to establish some definite basis of what constitutes that rather peculiar quality, style in work. Of course we have produced within the past 20 years numerous best sellers, but I think it will be the judgment of anyone here who has taken the pains to read the best sellers that some of them lack very largely in the best qualities of literature. Doubtless that is true in sculpture and the graphic arts and music, but with them I am not so familiar.

It seems to me that there is no good excuse to be argued against the desire of these gentlemen to encourage that which we so much admire. There was a great school of New England literature that has now almost died out. Possibly the encouragement of arts and literature by this body may re-create that school, and it may re-create it in some unlooked for portion of the United States. Young musicians, sculptors, and painters are not necessarily a product of the oldest cities. They may arise unexpectedly in places far removed from what we are accustomed to call the centers of literature and art, and it will be the effort of this body of gentlemen to encourage evidences of art progress wherever it may be discovered.

Mr. BARTLETT. May I ask the gentleman a question right there?

Mr. TOWNSEND. Certainly.

Mr. BARTLETT. I notice you say in the bill that this is declared to be a body corporate of the District of Columbia.

Mr. TOWNSEND. Yes.

Mr. BARTLETT. Why is it necessary that Congress should grant a charter to these men? Has not the District of Columbia a code of laws which provide for the incorporation or chartering of persons like these? And why should Congress be called upon to grant a charter of this kind?

Mr. TOWNSEND. Mr. Speaker, if what I have said has suggested to any gentleman here that this is a desirable incorporation, of course it follows, as a matter of course, that the greater the prestige given to this body the more useful its work will be, and I frankly confess that that is the greatest good this bill will do. It will give to this body a prestige which will be reflected in its criticism of the work which naturally it will consider.

Now, that is not a substantial fact. It is nothing which can be weighed or measured, if you please, but it is something nevertheless quite important. If these gentlemen have this very great prestige of being a national body, the encouragement and help which they give to those who are struggling in arts or letters will be just that much more weighty.

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

Mr. TOWNSEND. Certainly.

Mr. TOWNER. As I understand the bill it provides that vacancies are to be filled by the choice made by those who remain. Am I correct in that?

Mr. TOWNSEND. Yes.

Mr. TOWNER. So that one object and purpose of the bill is to recognize distinction in the arts or in literature.

Mr. TOWNSEND. I should say that that is so.

Mr. TOWNER. So that an election to this body will be considered in the future as a recognition of excellence in literature or in the arts.

Mr. TOWNSEND. The gentleman will remember that when Pierre Loti was elected to the French Academy it was considered that for the first time those competent to judge of literature in France had placed the seal of their approval on his works; and to carry the analogy here, with the possibility of this reward before men engaged in these professions, they certainly would take greater pains, would strive harder and more earnestly to accomplish good work, because they would desire

this recognition, which in its way would be the highest recognition they could gain.

Mr. TOWNER. Of course, an election to the French Academy is a recognition of merit and distinction that is known and goes all over the world. That is one of the objects and purposes of this incorporation. There is another, as I understand it, and that is for the purpose of encouraging the arts and literature and of establishing standards in art and literature in this country. That is really the double purpose that this association will have.

Mr. TOWNSEND. First, if you please, you establish a body which is by general consent the highest authority of criticism upon these classes of work. Then their approval of work naturally follows, and I think that no one will cavil at the statement that the approval by this body of any work done does place the stamp of excellence upon that work, an approval which now has no means of such expression.

Mr. TOWNER. I am exceedingly anxious that this bill should pass and only wanted to make these observations in order that the Members of the House might understand the proper purpose of it.

Mr. GARNER. I want to call the attention of the gentleman to section 5 in reference to the right of this corporation to own real and personal property, to inquire whether or not they could own it in any State of the Union; and if so, whether it would be subject to taxation, and so forth? If the gentleman has not reached that subject, I am perfectly willing to have him postpone the answer to my inquiry.

Mr. TOWNSEND. I am not prepared to answer that question. I think the chairman of the committee is competent to answer it.

Mr. GARNER. I think that is quite an important inquiry, because we want to know whether or not this company can own real estate in Texas, and if so, how much and how long, and whether or not it would have to pay taxes.

Mr. TOWNSEND. I hope the gentleman will withhold his question until the chairman of the committee has an opportunity to answer it.

Mr. GARNER. Certainly.

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

Mr. TOWNSEND. Certainly.

Mr. SHERLEY. I should like to ask how these particular men were chosen to be the incorporators of the academy?

Mr. TOWNSEND. They were chosen from the national institute.

Mr. SHERLEY. How was that created?

Mr. TOWNSEND. I presume that was an accretion, a growth, from a meeting of people interested in arts and letters in the various cities, and upon occasion they got together, and the value of instituting some such body naturally suggested itself, just as there is a national body for automobiles, baseball, advertising, and so forth.

Mr. SHERLEY. If I understand the gentleman correctly, then, and if my own impressions, formed prior to the gentleman's statement, are correct, these gentlemen have associated themselves together, and under their self-perpetuating organization propose to determine hereafter who shall be among the elect in art and letters.

Mr. TOWNSEND. I can imagine no better jury to determine who shall number among the 50 foremost men in arts and letters than such a jury as it is here purposed to establish for that purpose.

Mr. SHERLEY. I think perhaps a determination in the first instance by some one other than those who are to exercise the power might be better, in order to get an impartial judgment. But, waiving that, I should like to ask the gentleman this question, following what the gentleman from Georgia [Mr. BARTLETT] suggests: Does the gentleman believe that the Federal Government should be asked to charter this association, in order to give it a better standing in arts and literature, and is it not the better rule that a voluntary association of self-elected judges of art or letters should have their prestige rest upon their deserved ability, and not upon the gift of the Government, to afford them prestige by a national incorporation?

Mr. TOWNSEND. I will say to the gentleman from Kentucky that these gentlemen are incapable of giving to themselves, by anything which they may do, any prestige which would make them a more helpful body as critics. That prestige must come from an outside source, and certainly the highest source that such prestige can be given to them is from the Congress of the United States. Possibly these gentlemen entertain an opinion, which I share, that they do constitute a jury of the highest qualifications, but they can not proclaim that fact, and if they did proclaim it it would not put the stamp of prestige upon them.

If Congress, by incorporating them as a national body for the purposes which have been set forth, gives them that prestige, then the force and effect and value of that prestige goes with their work, and their work is to encourage arts and letters.

Mr. SHERLEY. Mr. Speaker, if the gentleman will permit another observation, I suggest that perhaps the way to determine the prestige they are entitled to have is by what they do, and that the mere incorporation of them by the National Government should not be used for the purpose of giving them a prestige that they may not deserve. I am not undertaking to express an opinion upon whether they are or are not the people to make of themselves the critics of art, but, assuming that they are, the justice of that assumption will be demonstrated by their action and by themselves. The French Academy does not gain its prestige by an act of incorporation by France. It gains it by the personnel of the association and the wisdom with which it exercises its functions; and some of the great of France have been great in spite of the refusal of that academy to reward them with recognition within its limited folds.

Mr. TOWNSEND. Can the gentleman think of any distinguished author in France, aside from Zola, whose work was not promptly recognized by that academy?

Mr. SHERLEY. I can not while upon my feet at this moment, but I would guarantee to tell the gentleman several in a very few minutes if necessary.

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

Mr. TOWNSEND. Certainly.

Mr. GRAHAM. Mr. Speaker, I would like to ask the gentleman from New Jersey as to the merits of the whole matter. He refers to the French Academy, and suggests that this is in line with the idea it rests upon. Is it not true that English literature, without any academy, without any arbitrary critics, or any empirical method of deciding matters, is superior in nearly every respect to French literature, and is it not more in keeping with American affairs to leave the literary men, like other men, leeway, and let the public ultimately decide their merits without having them measured by any yardstick?

Mr. TOWNSEND. Mr. Speaker, I will answer the gentleman by saying, in response to one of his several questions, if my opinion in the matter is of any value whatever, that as literature the literature of France to-day is superior to that of England to-day or of any other country.

In response to the gentleman's suggestion that there is no such aid to art or letters in England, I will remind him that it is just as much a strife for an English artist to become an academician as it will be for any American artist to become a member of this academy, and I will impress this subject upon his mind by suggesting the story, which does not bear out my suggestion of the importance of the British Academy, of the American, Whistler, who was a member of the Academy of British Artists. Having resigned, he was asked about the academy, and responded, "It has become the Academy of British." However, I would say to the gentleman that the influence of the British Academy upon art has been most excellent. The British Museum to-day is growing rapidly to be one of the best in the world, and the selection and collection of these masterpieces in the British Academy has been the result of the work of the British academicians, the Associated Artists of Great Britain.

Mr. GRAHAM. But the gentleman has not answered my query as to letters.

Mr. TOWNSEND. I will be glad to answer that in a moment. For the present I yield to the gentleman from Texas, the chairman of the committee.

Mr. SLAYDEN. Mr. Speaker, I suggest to the gentleman that the gentleman from Massachusetts desires to ask him a question.

Mr. GARDNER of Massachusetts. Mr. Speaker, I desire to offer a suggestion to the gentleman from New Jersey, my colleague on the committee. I call the gentleman's attention to a portion of his answers to the gentleman from Kentucky [Mr. SHERLEY], who had asked about this incorporation of American Arts and Sciences. I do not think that the gentleman understands that the National Academy of Science is already incorporated and that this corporation is to do for art and letters what has already been done for science.

Mr. TOWNSEND. Precisely. The gentleman from Kentucky lacked the advantage of hearing the opening of my remarks. The Academy of Science is already incorporated.

Mr. SHERLEY. Mr. Speaker, the gentleman from Kentucky is still of the same opinion that he was before he heard the

statement of the gentleman from Massachusetts. I understood the other society had been incorporated, but I was trying to bring out how it occurred that these men here named were chosen as the men to perpetuate themselves and their successors.

Mr. TOWNSEND. Mr. Speaker, I tried to explain to the gentleman that this sort of body grows through the processes with which he is familiar. There is undoubtedly a very excellent club in the gentleman's town, a club of social distinction, which undoubtedly had its origin in this manner.

Mr. SHERLEY. Mr. Speaker, I never knew a social distinction worth having that required an act of incorporation to give it prestige.

Mr. TOWNSEND. This is not a social distinction that these gentlemen seek. Any literary distinction that could come to them has come to them from their own work. I call the gentleman's attention to the list here. Does he suppose that Mr. Woodrow Wilson, of New Jersey, requires to be a part of an incorporation to have the gentleman from Kentucky acclaim him to be a great literary genius?

Mr. SHERLEY. No; and for that reason I would not ask that he be made part of a national incorporation.

Mr. TOWNSEND. But he has asked it.

Mr. SHERLEY. I would suggest to the gentleman that we have in this country a population of 90,000,000 people and there are some 50 names mentioned in this act of incorporation. I find that of those 50 the great majority come from one little section of the country. It may be that that section has a monopoly upon art. It may also be that it has a monopoly simply on a belief in its own importance. In any event, it does not strike me that this Congress, without having examined into the matter at all, should undertake to give the prestige these gentlemen so much seek, of national incorporation, to 50 gentlemen who choose to select themselves to pass on the eligibility of others to enter their sacred portals.

Mr. TOWNSEND. In conclusion, I will say to the gentleman from Kentucky [Mr. SHERLEY] that he will find there is something like a geographical center attached to these names; that a great many of these names are the names of aspiring, competent young men and women who have come to New York from other States, and possibly a number of them from Kentucky.

Mr. DIES rose.

The SPEAKER. Does the gentleman yield to the gentleman from Texas [Mr. DIES]?

Mr. SLAYDEN. Mr. Speaker, how much time does my colleague desire?

Mr. DIES. About 10 minutes.

Mr. SLAYDEN. I will yield first to the gentleman from Georgia [Mr. ADAMSON].

Mr. ADAMSON. Mr. Speaker, I have given to the press the following interview:

"I have repeatedly been asked why I do not press the bill introduced by Mr. SIMS to repeal the exemption of coastwise ships from Panama Canal tolls. I have refrained from doing so for various reasons, some of which I will state, now that Senator ROOT has introduced a similar bill. I have always favored uniform tolls. I made the best fight I could and lost. I don't wish to appear ugly or sore, nor have I believed it wise to do anything that might embarrass the efforts of the President to settle differences with England by diplomacy. But the best reason of all is that I have not been satisfied that Congress is ready to repeal the exemption, nor that the President is ready to approve it. If I did so believe, I would vote to report out the Sims bill at once. When the President suggested that Congress disclaim intention to violate the treaty and provide for a judicial adjudication of the questions under the treaty, statesmen who helped him secure the discrimination refused to favor such disclaimer. I thought as the operation of the canal was a long ways off the President would have ample time to agree with England by making her some concessions elsewhere, if it should appear to be the settled policy of Congress to discriminate in favor of coastwise vessels. Just what concessions might be desired by England, or granted by this Government, I don't know, but there are a great many points at which the interests and transactions of the English people and our people come in contact. I thought that if there was a genuine desire for an adjustment it could be reached by a diligent effort to find a basis. I would never favor, however, making concessions of similar exemption to the Canadian coastwise trade. I have no doubt that would satisfy England, but it would mean a double burden to our people and a double inroad on the Treasury. If the exemption of our coastwise vessels deprives our Treasury of $2,000,000 per annum, a like concession to the Canadian coastwise trade would double the amount and deprive the Treasury of that much more money, and to that extent make the canal a heavier charge on the Treasury.

I do not care to discuss the question of arbitration. The State Department has that under consideration, and if Congress adheres to the position taken it is the duty of the State Department, first, to deal with international differences. It is not out of place, however, to say that when you are lost in the jungle the surest way to get out is to take the route by which you came in. It requires manhood to take the back track, and few men are big enough to display that much moral courage, but inasmuch as the President by a message aided the ship interests to mislead Congress into error, the President would earn a reputation for greatness if he would send a message to Congress advising a repeal of the exemption clause and confessing his error. There is no doubt that a great blunder has been committed, and the President could very greatly aid in correcting that blunder by adopting the above suggestion. Equality is common honesty. At the first blush that is what is naturally expected. The burden is on the party proposing a variation therefrom. Disinterested men expect and demand nothing else.

There are three reasons why uniform tolls should prevail.

First. All commerce using the canal, which shortens the journeys of all alike about 8,000 miles per journey, should equally share the expense of operating and maintaining the canal, which confers such great benefit upon all. There is little doubt that for the first few years the cost for the operation and maintenance will exceed the revenues derived from collecting from all vessels, except the official vessels belonging to our Government, all the uniform tolls that the traffic will bear. Optimists and theorists have prophesied otherwise, but their prophesy will come to naught. The operation and maintenance of the canal will for the first years be a charge upon the Treasury to some extent, and if our coastwise ships be exempt from tolls the charge on the Treasury will be a very large one. Just what effect discrimination in favor of our coastwise ships against all other vessels, including those of our own people in the foreign trade, will have in repelling business which would otherwise, under fair conditions, patronize our canal no man can tell, but whatever the extent may be it will surely be adverse to the patronage and profits of the canal.

Second. Exempting the coastwise ships from tolls is nothing more nor less than diverting from the common Treasury of the people a dollar and twenty cents per ton on ships belonging to a special interest, to which we give that large bonus and bounty out of the money belonging to all the people; and that special interest belongs to a body of people numerically insignificant, but financially powerful, already holding a monopoly of the coastwise trade against all the world, dividing up and parceling among them the ports and routes of travel, holding up rates by not competing with one another; they are the most highly protected people in the world and have absolutely no need of financial help from the Government.

The advocates and supporters of exemption make a mistake when they take comfort and press as unction to their souls the idea that there is a difference between this exemption and the ordinary subsidy; that they do not really take the money out out the Treasury, but only head it off and keep it from going into the Treasury. It is true the money is not actually in the Treasury, and it may be easier to fool the people and delude them into believing that nobody is taking their money and that there is nothing lost, but such people ought to read the ancient law which made it a greater crime to steal wet linen hanging out to dry than that which was actually locked up so it could be protected. If any difference, it is a meaner subsidy than taking from the Treasury direct. I am unable to find in the Constitution, my oath of office, or the Ten Commandments any justification to vote to take or divert money from the Treasury belonging to 96,000,000 people whom we represent and who are not here to pass on it themselves and give it to a small private interest.

Third. We are constructing that canal under a treaty. It was not convenient to cut the canal from ocean to ocean across our territory. We had to make two contracts, one with England and one with Panama, before we could construct a canal in a foreign country. Those who claim that conditions have changed by virtue of our sovereignty speak without due reference to diplomatic history. England expressly provided in the Hay-Pauncefote treaty that no change in sovereignty should affect the stipulations of that treaty as to equality. Our sovereignty is decidedly imperfect if you remember the stipulations we made with Panama and the treaty by which it is claimed that we acquired sovereignty, for in that selfsame treaty we reaffirmed the stipulation as to equality of charges and conditions of traffic. We are under obligation in that same treaty to pay perpetually an annual rental of $250,000. Unfortunately, the Ship Trust, by the most stupendous and extended lobbying

ever known on earth, conducted systematically ever since the work on the Panama Canal began, secured the aid of the yellow journals and procured the mistaken indorsements of various civic organizations throughout the country and inflamed the jingoes into obscuring the real question and substituting therefor in the popular mind the false and impertinent issue as to whether England shall be allowed to manage our affairs. There is no such question at issue. England has simply reminded us that we have agreed to charge everybody at the canal alike, which is the truth, and we ought to be honest with ourselves without the aid of England. If we would just observe Shakespeare's lines—

To thine own self be true, * * *
Thou canst not then be false to any man—

we would first deal fairly with our own people by refusing to give their money to special interests, then England would have no cause of complaint against us for broken faith through the violation of the treaty.

The construction England puts upon the treaty will inevitably and unavoidably be reached by anybody who will read the diplomatic history of transit across the Isthmus. Since the days of Henry Clay and John Quincy Adams, when Nicaragua first suggested to us the building of a canal, we have insisted on the very same position which England now holds—that all nations and all vessels and all commerce should be treated alike. We have ourselves often complained of alleged violations of that equality in other dealings and joint use of facilities with England, have insisted on correction, and have always obtained it. The claim that coastwise vessels can be treated differently from ships in the foreign trade is not sustained by an examination of our treaties. Among all the treaties we have made with other Governments for amity and commerce there is no distinction as to the privileges of different classes of vessels, except when it is expressly so stated. In every case when a nation desired to reserve domestic control of its coastwise trade it has been so stipulated in the treaty. The absence of such stipulations leaves no distinction in any case. In all treaties touching transit across the Isthmus the only case in which it is pretended that foreign vessels and commerce may be treated differently from domestic vessels and commerce is in the case of Mexico dealing with the Tehuantepec Railroad. Inasmuch as that railroad was built on Mexican soil entirely, beginning and ending at Mexican ports and constructed with Mexican capital or credit, she was not constrained by any consideration to grant equality to all. Standing in that condition, she rightfully and expressly stipulated that that railroad would treat all other nations alike, but favor Mexican commerce if it was desired. But constructing a canal across the Isthmus by a Government and by a people not resident on the Isthmus was entirely a different proposition. Under the Clayton-Bulwer treaty we were not permitted to build a Government canal; we were not permitted to fortify it; we were bound with other nations to protect its neutrality; and in the preamble and in section 8 we were all bound to exact equality in the operation of the canal in charges and conditions of traffic. In consideration of preserving those last provisions and stipulations unimpaired, and expressly so stated in the Hay-Pauncefote treaty, our Government and England modified the Clayton-Bulwer treaty so as to permit us to construct it at our Government's expense, operate, and take the profits, we further agreeing to relieve England and the balance of the world of preserving neutrality, and therefore we were permitted to police and fortify the canal. In brief, that is all there is to it. Unless we do have the manliness to protect our honor among the nations and protect the interests of our people and the integrity of the Treasury by voluntarily repealing the exemption of the coastwise ships from tolls, I do not see how we are going to escape submitting to arbitration and maintain any pretense to honor and respect among the nations of the world.

I am very much surprised to find advocates of the exemption opposing submission to arbitration, because one argument the advocates of the special privileges used to carry the exemption through Congress was that we could assume the right under the treaty to make the exemption, let England make the issue if she wished to object, formulate an issue, and submit it to arbitration. In the House, pending the consideration of the canal bill, that proposition was replied to by me. When the President manifested uneasiness and confusion on suddenly discovering the dissatisfaction of England, just before he signed the canal bill, I drew a bill to repeal the exemption, intending to introduce it as soon as the President signed the bill for the operation of the canal. Being called away before that approval came in, I gave the bill to Mr. SIMS and requested him to introduce it, which he afterwards did. I do not care to do a useless piece of work; but if I become satisfied in the next five weeks that Congress would pass the Sims bill and that the President would approve it, I will call it up in the committee and do my best to have it reported. If I discover no such favorable indications, I shall favor waiting for the next Congress and the next administration to deal with the subject—protect the interests of our people, preserve the integrity of our Treasury, and maintain the honor of our Republic among the nations of the world.

Mr. SLAYDEN. Mr. Speaker, I now yield to the gentleman from Georgia [Mr. BARTLETT].

The SPEAKER. How much time does the gentleman yield?

Mr. SLAYDEN. Mr. Speaker, I would like to submit a parliamentary question to the Chair.

The SPEAKER. The gentleman will state it.

Mr. SLAYDEN. My understanding of the rules is that I had one hour in which to address the House.

The SPEAKER. The gentleman had one hour, beginning at 5 minutes before 4 o'clock.

Mr. SLAYDEN. Does the opposition have an hour also?

The SPEAKER. Not if the gentleman moves the previous question and gets it carried during his hour.

Mr. SLAYDEN. Mr. Speaker, I have assured the gentlemen who are opposed to this measure that I will not move the previous question.

The SPEAKER. Then the gentleman who gets the floor has an hour, if he wants it, and can do as he pleases with it.

Mr. SLAYDEN. I reserve the balance of my time and yield to the gentleman from Georgia [Mr. BARTLETT].

Mr. BARTLETT. Mr. Speaker——

Mr. SHACKLEFORD. Mr. Speaker, I want to be recognized in opposition to the bill.

The SPEAKER. The gentleman from Texas [Mr. SLAYDEN] reserves 30 minutes. The gentleman from Georgia was on his feet and had the eye of the Chair, and the Chair recognizes him for one hour.

Mr. BARTLETT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BARTLETT. Is it not a privilige of the gentleman who has an hour to yield to other gentlemen?

The SPEAKER. Yes; he can yield every particle of it.

Mr. BARTLETT. That is what I thought.

Mr. Speaker, I have no desire to consume the time of the House in presenting my views in opposition to this bill. Its purpose may be meritorious, though it does not appeal to me that Congress should be called upon simply to give prestige to the incorporation, or give to the gentlemen who have sought to compose that corporation the power and authority to be incorporated by Congress, simply to give it prestige. I have nothing to say in criticism of these gentlemen here who are sought to be incorporated under this bill. It but demonstrates, Mr. Speaker, what I have called attention to before, that if Congress shall embark into the business of incorporating everybody for any and every purpose that they desire, we will be engaged in doing very little else. All powers of the State will be minimized, and if people think they can secure a charter from Congress which will carry with it the prestige and power of the National Government, you will find the House flooded with bills and our calendars crowded with this kind of legislation.

I had occasion, when the House was considering other bills of this character, Mr. Speaker, to state my opposition to them. It is true this bill says it is to be incorporated under a certain name in the District of Columbia.

To obviate the necessity of continually appealing to Congress to incorporate or grant charters incorporating people for the purposes of this and like character in the District of Columbia, Congress has already provided a method by which charters can be obtained in the District of Columbia. But that is too small a business for gentlemen who aspire to have the authority and prestige of the United States Government given them by special charters. They want the power and the prestige and the authority of the Government of the United States behind them. I do not believe, Mr. Speaker, that Congress either has the power to grant this sort of charter, or that it ought to be the policy of Congress to grant it.

Congress, if it saw fit, if it has the power, if it has the constitutional authority to grant indiscriminate charters of this kind, or every kind, it has it by reason of its supreme sovereignty over subjects matter of this character, by reason of its inherent power as a sovereign to grant charters, however far the courts may have gone with reference to extending the powers of Congress to grant charters. However far the courts may have gone with reference to extending the powers of Congress, the Supreme Court of the United States has never yet decided that Congress had any inherent power to grant a charter. On the contrary, the only enunciation upon that subject has been

that Congress did not have the inherent power to grant charters, and it only had power to grant them when it undertook to give to the corporation some public duty or performs some act for the Government.

I instance other occasions that carried out that theory, namely, when you created a bank to become the fiscal agent of the Government or to issue money as part of the fiscal agent of the Government, in the case of the United States Bank or the National Bank, or in the case of the incorporation of the great transcontinental railroad companies, with authority to convey the military forces of the United States or develop the undeveloped lands of the United States, and another, where they granted the right of a bridge company to build a bridge across a navigable stream, by reason of the fact that Congress could regulate interstate commerce and had control of the navigable streams of the country. Those are the only charters which the courts have yet approved as being within the power of Congress to grant. Here we have applications for charters of various kinds. There is, if I mistake not, upon the calendar an application to charter a national board of trade. Whenever a body of men want to display themselves before the United States or the world as something beyond the common ordinary corporations that can get a charter from the States or the District of Columbia or the Territories, they want attached to it the great seal of this great Republic, in order to give them prestige and power at home and abroad. So far as I am concerned, Mr. Speaker, I am deaf to all appeals like this and all requests to me to withdraw any objections I may have with reference to granting this kind of charter.

This charter, like the others, gives the incorporation power to hold real and personal property. Without some statement being contained in the bill to the contrary, it might be held by the courts, and doubtless it would be so held, that a State could not tax the property of a corporation that was incorporated by Congress, if Congress had authority to grant the charter. That was the decision in the case of McCullough against Maryland.

Mr. CULLOP. Mr. Speaker, I would like to ask the gentleman a question.

The SPEAKER. Does the gentleman yield?

Mr. BARTLETT. With pleasure, I yield to the gentleman from Indiana.

Mr. CULLOP. I see by section 5 it is provided that—

> The American Academy of Arts and Letters be, and the same is hereby, authorized and empowered to receive bequests and donations on real or personal property and to hold the same in trust, and to invest and reinvest the same for the purpose of furthering the interests of literature and the fine arts.

Now, by the provision of that section could not the organization enter into speculation in both real and personal property? It has the right under this provision to invest and reinvest. That, of course, would give the power to convey and to have conveyed and to buy and sell as a speculative matter, and easily it might take shelter under the other provision of the act. Now, has it not the power under that provision?

Mr. BARTLETT. The power is to hold and to receive donations of real and personal property, "and to hold the same in trust, and to invest and reinvest the same for the purpose of furthering the interests of literature and the fine arts." I do not doubt but that they could receive donations, which they could increase by investment either in personal or real estate. I do not know about speculation. I apprehend these gentlemen do not speculate. I do not know that they do. Anyhow, there is nothing in the charter to prevent them doing what the gentleman from Indiana thinks they might do. In other words, it would not be ultra vires, in order to increase their profits and administer the property they had, to speculate either in personal or real estate.

Mr. CULLOP. Now, if the power is given under that provision to purchase and sell real estate, although the intention for which the organization is to be incorporated now may be of the character expressed in the bill, yet in the succeeding management of the trustees the intention might be changed, and still under this provision, if it did change, they would have the right to enter it upon a business career and buy and sell and speculate, and should not that section, at least, be amended if the bill is passed?

Mr. BARTLETT. There is no limit in this bill at the present time as to what this corporation may do in the matter of holding and investing and reinvesting in property for the purpose of increasing its profits.

Mr. CULLOP. Mr. Speaker, will the gentleman yield further there?

Mr. BARTLETT. Yes; certainly.

Mr. CULLOP. Now, before the passage of this bill ought not some limitation be made as an amendment to section 5 to prevent just such procedure as that?

Mr. BARTLETT. I think it ought to be made. But so far as I am concerned, Mr. Speaker, I am not interested in perfecting a bad bill in order to enable it to pass, when I do not think that, however good it may be, I would under any circumstances vote for it. I am opposed to this kind of legislation, not altogether upon the idea that it is not as good as we may make it but because no matter how good you make it it is bad, and I shall not vote for it on other grounds. There is no purpose, Mr. Speaker, however good, that would lead me to support such a bill as this. I want to say that I voiced these views even when the purpose was good, as in the case of the Red Cross Society, when its incorporation was proposed here. I have said I would not vote for the incorporation of the Carnegie Fund, or vote to incorporate the Red Cross Society or the National Board of Trade. There is no purpose, however good, Mr. Speaker, which would induce me to forsake the position that I have occupied upon legislation of this kind, and that position is that such legislation ought not to find in this House a place to be considered and adopted. My objection to this legislation goes to the root and foundation of it, and not to the details of it.

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

Mr. BARTLETT. Yes; I yield to the gentleman.

Mr. WILLIS. Does the gentleman find in this bill any reservation to a future Congress of the power to change or amend or alter the charter in any respect?

Mr. BARTLETT. I have not found it, but that power rests in Congress whether it is there or not.

Mr. WILLIS. The Dartmouth College case involved that question.

Mr. BARTLETT. Yes; and the Dartmouth College case has been in many cases departed from since that decision.

Mr. WILLIS. If the bill is to pass—and I am not in favor of its passage in its present form—ought there not to be a section inserted reserving the power to amend, alter, or repeal in a future Congress?

Mr. BARTLETT. It would not only be safe, but it would be advisable to amend it in that respect.

Mr. CULLOP. Mr. Speaker, will the gentleman yield again?

Mr. BARTLETT. Yes.

Mr. CULLOP. Does the gentleman believe that in the granting of a charter, even one that is proper at any time, we should make it perpetual? This is a perpetual charter which is asked for.

Mr. BARTLETT. No; I do not, and the amendment suggested by the gentleman from Ohio [Mr. WILLIS] would cure that feature.

Mr. CULLOP. Does the gentleman think that any charter ought to be granted for a longer period than 50 years? That is half a century.

Mr. BARTLETT. I would not think it ought to be longer. It depends on the purposes of the corporation and what they are required to do.

Now, Mr. Speaker, at the proper time I want to make a motion to strike out the enacting clause. I could not add to my objections if I were to repeat them, nor could I enforce them with any additional statement which I might make.

Mr. HAMILTON of Michigan. Will the gentleman yield for a question?

Mr. BARTLETT. With pleasure.

Mr. HAMILTON of Michigan. The inquiry of the gentleman from Indiana prompts me to submit an inquiry to the gentleman from Georgia as to whether he has any information as to the basis upon which this illustrious list was limited to 50?

Mr. BARTLETT. I have not.

Mr. HAMILTON of Michigan. Take for illustration the State of Indiana. Everybody knows that malaria in that State, commingled with natural gas, has been transformed into inspiration for genius. Yet we have in this list only one genius from Indiana. I want to know why George Ade and Booth Tarkington and the two McCutcheons have been excluded from this illustrious list? [Laughter.]

Mr. CULLOP. And Charles S. Major.

Mr. TOWNER. The gentleman should not forget the Sweet Singer of Michigan.

Mr. HAMILTON of Michigan. I do not forget any of the sweet singers of Michigan, but time will not permit me even to attempt to enumerate them.

Mr. BARTLETT. I can not answer the gentleman, except to say that it must appear from the colloquy between my friend from Kentucky [Mr. SHERLEY] and the gentleman from New Jersey [Mr. TOWNSEND] that these 50 immortals have met, either by themselves or in company with others who were willing to give them as much immortality of this sort as they could in this way, and put them forward as the 50 immortals who alone are worthy of this great consideration at the hands of Congress.

Mr. HAMILTON of Michigan. The gentleman will concede that it is not fair to Indiana.

Mr. TOWNSEND. If the gentleman will yield, I will say that Booth Tarkington, George Ade, and the entire McCutcheon family, as well as a large and estimable collection from the literary belt of Indiana, are already members of the institute. As suggested by my friend from Missouri, Mr. SHACKLEFORD, they are already members of the lower house, and undoubtedly will be elevated to the upper house when they grow older and are more dignified and have a more fatherly expression. George Ade is a very young-looking man and so is Booth Tarkington. The McCutcheon family range from 10 to 70. I do not know how many of them there are. They are all brilliant. They are Indianans, and that means that they are brilliant. They are all in the institute and they will all be in the academy some day, and that ought to satisfy the gentleman from Indiana.

Mr. HAMILTON of Michigan. No; I am from Michigan. But I want to ask the gentleman, is antiquity an essential element in eligibility to this list?

Mr. TOWNSEND. Not at all; but the gentleman has observed the progress of the work of artists and literary men, and he knows that they do not do their work best while they are in knickerbockers.

Mr. BARTLETT. Mr. Speaker, I want to say in conclusion that I am sorry that these distinguished gentleman from Indiana who have been referred to are not named in this bill if they desire to be. If they were, no doubt their names would add something to it; but whether those who have been left out were put in or whether those who have been embraced were stricken from it, I should still oppose the measure, although I might do so more reluctantly if the gentlemen from Indiana who have been referred to were among the incorporators.

I now yield to the gentleman from Missouri [Mr. SHACKLEFORD] 10 minutes.

The SPEAKER pro tempore (Mr. HOUSTON). The gentleman from Missouri [Mr. SHACKLEFORD] is recognized for 10 minutes.

Mr. SHACKLEFORD. Mr. Speaker, at the proper time I desire to offer this amendment as a new section:

SEC. 6. That said corporation shall not have power to buy, sell, rent, lease, or hold any real estate or any interest in any real estate for the purpose of deriving profit therefrom; that any real estate or any interest in any real estate which it shall receive by gift, grant, bequest, devise, or donation shall be converted into cash by public sale upon reasonable notice within one year from the time it is so received.

Mr. Speaker, this is said to be a harmless little corporation. I hope it is so. I hope it is only one of the highbrowed frills of upper literarydom; but I am not concerned with that feature.

The Committee on the Library has been bringing in here from time to time bills for Federal incorporation, conferring special privileges and special favors—privileges and favors not enjoyed by corporations otherwise incorporated.

If one corporation were all, I should not look with so much horror upon the possibilities of this legislation, but with the multitudinous number of these corporations coming in we shall have over this country a landlordism and a tenantry that will put old Ireland to shame.

There is now pending upon the calendar the bill for the incorporation of the Rockefeller Foundation Fund, authorizing it to invest $100,000,000 in real estate if it so desires. If they would take $100,000,000 into the State of my good friend, the gentleman from Mississippi who sits just in front of me [Mr. SISSON], and invest it in farm lands to-day, in 10 years that $100,000,000 would grow to be worth $1,000,000,0000, and upon that billion dollars' worth of real estate owned by the proposed corporation would be a tenantry as much subject to Rockefeller and his tribe as have been the unhappy citizens of old Ireland to the English landlords in days gone by.

Mr. Speaker, the lands of this country ought to belong to the people who live upon them.

It is said that the purposes of these corporations are for charity, for literature, for uplifts. But, Mr. Speaker, the capital they have is not devoted to that purpose. The capital of the Rockefeller Foundation is to be devoted to earning profit in competition with the citizens of this country who have to make a living for themselves and their families. The rents and profits that shall be derived by the Rockefeller Foundation Fund, by this high-browed literary crowd, and by the multitudinous other corporations that are being given these special charters, will all be brought to Washington and held in the District of Columbia. It is not for the common welfare that there should be built up in the capital at Washington the immense capitalism that these bills will stimulate. This capital ought not to be made the center of wealthy classes who drain profits from every part of the Republic, whether for charity, for self-enrichment, for the uplift of high-browed literati, or for any other purpose. The effects of such a policy must be vicious and hurtful to our people.

A few years ago foreign landlordism became so grievous that some of our States had to legislate against it. One English earl owns, I am told, 20,000 acres of the finest and fairest farm land in Missouri. It is inhabited by his tenants. He is farming in competition with the citizens of my State and taking the profits away to far-off England.

But, Mr. Speaker, that is not nearly so bad as to have corporations housed and homed here in Washington, with illimitable capital, with power of making illimitable investment in lands to be used to earn profit in competition with the people who have to earn a living for themselves and families.

What does Rockefeller want to do? Take his money and give it to charity? No; he wants to pursue the same line he has always pursued, of grasping profit in competition with the people. He says he will devote the profits to charitable purposes. Who will be the judge? The toplofty board of directors will be the judge as to what constitutes charity.

Mr. Speaker, an overspreading and overawing monopoly of land owned by the proposed Rockefeller Foundation Fund ought not have life breathed into it by Congress. It is said to be for charity; but that makes no difference. It would be oppressive to the people none the less.

Mr. SLAYDEN. Mr. Speaker, I will use five minutes of my time.

Mr. BARTLETT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BARTLETT. Do I lose any of my rights or my time by not using it now?

The SPEAKER pro tempore (Mr. HOUSTON). The Chair thinks not.

Mr. SHACKLEFORD. Mr. Speaker, I ask unanimous consent to extend and revise my remarks.

The SPEAKER pro tempore. The gentleman from Missouri asks unanimous consent to extend and revise his remarks. Is there objection?

There was no objection.

Mr. SLAYDEN. Mr. Speaker, I have listened with interest to the eloquent and earnest remarks of my friend from Missouri [Mr. SHACKLEFORD], who always talks interestingly and sometimes convincingly; but I am afraid that in this instance he has set up a man of straw, and particularly is he wrong in his apparent charge against the Committee on the Library of having furthered that monstrosity, the Rockefeller Foundation, the aspect of which so affrights him.

The committee had nothing to do with that. As a Member of this House, I did say when the matter was up the other day that if Mr. Rockefeller wanted, out of his huge fortune, to give the people of this country $100,000,000 I would not object; that if he wanted to double the amount and turn it over to the public I should rejoice twice as much. My understanding of that bill was that he was not giving or investing this money for profit to retain control himself, but that he gave the principal to the Rockefeller Foundation, the earnings of which presumably will go on for centuries after Mr. Rockefeller has been gathered to his fathers and will be devoted to the spread of science and the advancement of medical and other branches of science in the interest of the human family.

But that has nothing to do with the bill. A statement was made by the gentleman from Ohio [Mr. WILLIS] to the effect that the bill should be amended so as to give Congress the right to alter, amend, or repeal the act. I want to say, in reply to the suggestion of the gentleman, that I have not the slightest objection to that being done. Nor have I any objection to the essence of what was proposed by my friend from Missouri [Mr. SHACKLEFORD]. Mr. SHACKLEFORD's argument was, when you get away from his talk about the Rockefeller Foundation and the monstrous accumulation of money in the hands of Mr. Rockefeller, that he objected to having the corporation become a landlord and objected to it owning large quantities of land from which it could exact rent forever. Mr. Speaker, I am not lacking in sympathy with that suggestion, and when properly shaped I think I would be willing, and I think the other members of the Committee of the Library would be willing, to accept it as an amendment to the bill.

This committee wants to do whatever is right to shape this measure, so that if this body of men is ever created it will be for the good of the public. If there shall be selected a few of these "high-brow" literati the gentleman speaks about, we want them chosen because of merit. We want them to be the most distinguished men in the country for art and letters. We want membership in that body to be an inspiration to the younger men in those various branches of the fine arts, to drive them on to better and ever better work, in order that they may

reflect glory upon themselves and be a credit to the country. I take it for granted, Mr. Speaker, that there is not much question of the right of this Congress to grant such a charter. It has done so in many instances. Whether that is a proper power to lodge with this body is not a question to-day. But I believe it has the power. I could not of course enter into a discussion of fine legal points with my learned friend from Georgia [Mr. BARTLETT]. I believe it has the power. The only question is whether it can exercise it with wisdom on this occasion.

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

Mr. SLAYDEN. Yes.

Mr. HOBSON. I simply want to ask whether this measure, as drawn, still reserves to Congress sole authority to modify, repeal, or revoke it.

Mr. SLAYDEN. I have just stated that an amendment of that kind was suggested by the gentleman from Ohio [Mr. WILLIS], and I was quite willing to accept it as an amendment to the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. BARTLETT. Mr. Speaker, I yield 10 minutes to the gentleman from Texas [Mr. DIES].

Mr. DIES. Mr. Speaker, before the very, very brief discussion that I want to give to the measure, I desire to beg leave respectfully to disagree with the sentiment expressed by my colleague [Mr. SLAYDEN]. I would not have the American Nation take the Rockfeller millions or the Carnegie millions. This is a great, a wealthy, and a wonderful nation of people. Our children ought to be taught that the accumulation of great wealth or the accumulation of wealth in any quantity, by means deemed in the eye of public justice to be wrong, is a disgrace to those who acquire it, rather than an honor. I commiserate men like Mr. Carnegie who want to bribe history and ameliorate the judgment of posterity upon their business careers; but as a Member of this great Congress I am not willing to help them soothe the wounds that come to them from having pursued a course which pricks their conscience.

Mr. Speaker, I shall vote against this bill, unless some satisfactory explanation of its origin and its purpose shall be presented to the House. I want to know by what process this committee selected these particular 50 names to incorporate in a sort of body of nobility of letters and arts and make them the 50-charter members upon which to base this exclusive order in America.

For instance, if another society selected these 50 names I would like to know the processes by which they selected them; and if they were selected by this committee I hope its chairman or some member of the committee will tell us how it arrived at the conclusion that these particular 50 names were entitled, by reason of their greatness in achievement, to have the seal of approval placed upon them by the Congress of the United States.

Mr. TOWNSEND. Mr. Speaker, will the gentleman yield in order that I may give him an answer to his inquiry?

Mr. DIES. Mr. Speaker, I strove with such vigor to obtain that information during the gentleman's remarks that I shall now have to forego the pleasure of hearing his explanation at this moment.

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

Mr. DIES. Certainly.

Mr. GARRETT. Will the gentleman not add to the inquiry which he has made this: That there shall be an explanation of what this corporation is to do after it is created?

Mr. DIES. Precisely. That is true; and moreover, of course, you and I have read all the books and viewed all the paintings and gazed upon all of the sculpture, the product of these wonderful hundred hands; but perchance some gentleman from Indiana or from some Western State which is new, grown up like a mushroom, which has not yet produced its names for immortality, whose people have been too busy in careers of farming or politics—perchance they have not yet had time to gaze upon this architecture, this sculpture, these paintings; and gentlemen, before they vote as Members of Congress to set up an order of superiority, would like to know if the committee has gone into the merits of these several productions. I know you would at least like to know something about it yourselves.

Of course, you understand what Thomas Raynesford Lounsbury, of Connecticut, has done, and you understand what John Singer Sargent, of Massachusetts, has done, what Horace Howard Furness, of Pennsylvania, has done. That is known to all of you—that is, those of you who have devoted hours to the pursuit of knowledge and of literature and of art—as well as it is known to myself; but ought I, because my life has been more fortunate than yours, because the gentleman from New Jersey [Mr. TOWNSEND], for instance, and myself in our closets have delved into these wonderful works and gazed upon these wonderful works of art and read the productions of these wonderful men—ought we to take snap judgment on you gentlemen who are more or less rustic in the arts and in literature? [Laughter and applause.]

For myself, Mr. Speaker, as I gaze back now upon my moments of leisure, when I pored over literature and read the works of critiques of art while a good many of you were busily engaged getting elected to Congress, in the magnanimity of my soul, I am not willing to vote these 50 men upon you until you at least know which ones are painters, which sculptors, and which are authors. [Laughter and applause.]

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

Mr. DIES. Certainly.

Mr. HOBSON. I do not desire to interrupt the charming flow of the gentleman's discourse, but I would like to know whether he should not regard the persons included in this particular list more as a matter of business, incorporated for promotive purposes, rather than as a matter of selection?

Mr. DIES. I take the explanation of a member of the committee, the gentleman from New Jersey [Mr. TOWNSEND], who says it is to be likened to the Academy of Arts in France, where it is worth a king's ransom to have your name enrolled, and where the body corporate places a badge of honor upon the remotest generations.

Mr. HOBSON. That is the gist of the question I am asking the gentleman. Does he regard a corporate body in America that might have any names, irrespective of accomplishments, that might involve many business operations in promotion of this or any other business, because they are incorporated and are made a body apart, subject to the laws——

Mr. DIES. And I say, in no degree of pique or resentment, that that new raw-beef-producing State of Texas is not honored with an inclusion here. I do not feel at all piqued that the great Southern States and the great Western States are not honored at all with an inclusion here. I know that we have come up like a mushroom. I know, of course, that we are new in the business, and could hardly be expected to be included in this list of men of letters. And, on the subject of lists, Mr. Speaker, I am just about thinking who would have been considered to have written the works of Shakespeare if these 50 had passed upon it? How about the letters of Junius, about which the world has never decided the authorship? And I am wondering as to Michael Montesquieu, when he presented his manuscript to the greatest pursuers of literature and art in France, and they said that its publication would disgrace him, if these 50 had to do with them?

I would not establish a corporation of literature and art in this country, where men may adorn themselves with badges and support themselves on the balance of the citizens. But if your committee want to do it, let us do it in a businesslike way.

Mr. BARTLETT. Mr. Speaker, I yield five minutes to the gentleman from Mississippi [Mr. SISSON].

Mr. SISSON. Mr. Speaker, I could not undertake to give all my objections to this bill in five minutes. I agree very heartily with what the gentleman from Missouri [Mr. SHACKLEFORD] and the gentleman from Texas [Mr. DIES] have said in reference to this bill, but my chief objection to the bill as it is now drawn is section 5. In the first place, I am opposed to any corporation, either State or Federal, owning any land for agricultural purposes, and I am unwilling the corporation shall own the land for any other purpose than that of executing the purpose for which the corporation was chartered. I am willing for a corporation to own land for the purpose of establishing manufacturing plants, building railroads, etc., but not to own land to rent, farm, or to speculate in, for there is no monopoly that is half so wicked as a land monopoly.

Now, in all of these charters that are being issued like this an effort is being made to get estate in land so that the income of the corporation will be fixed and permanent and nothing can be found that will be so permanent for vast sums of money as to invest in real estate.

Mr. SLAYDEN. Will my friend from Mississippi permit me a moment?

Mr. SISSON. Certainly.

Mr. SLAYDEN. Did you hear my statement that we were quite willing to accept an amendment to meet that objection about land owning?

Mr. SISSON. That does not mean necessarily that the amendment would pass the House. I presume it would if the gentleman would accept it. But it shows how poorly this bill has been conceived. It shows that the bill originally conceived the idea of permitting incorporations of this kind to buy and

sell and deal in and own real estate. I am opposed to any Federal charter that would grant to a Federal incorporation the right to own and to control land in any State.

Now, the gentleman from Texas [Mr. SLAYDEN] says that he is willing to accept the amendment offered by the gentleman from Missouri [Mr. SHACKLEFORD]. Some of these charters which have been passed have no such limitation or restriction in them as that, and I am glad the gentleman from Texas is now willing to accept that amendment. I also understand the gentleman from Texas is willing to accept an amendment limiting the life of a charter to 50 years.

Mr. SLAYDEN. What I said was at the suggestion of the gentleman from Ohio [Mr. WILLIS], which was as to the right of Congress to alter, amend, or repeal.

Mr. WILLIS. The gentleman states it correctly.

Mr. SISSON. This House on several occasions in the past has declined to grant charters of any kind for longer than 50 years. I do not know why this corporation should be exempt. But I sincerely trust that in the future when bills of this kind are brought into the House there will be no power in the bill granting the corporation authorizing them to own real estate in any of the States except just so much as is necessary to transact properly the business for which the corporation is organized. Why, out in my own State millions of dollars are being invested in farm lands by corporations organized in England, in Holland, in New Jersey, and in other places which grant the most liberal charters, and many thousands of acres of land in my State are passing out of the hands and control of the people of the State. The trouble with Ireland to-day is the fact that the land of Ireland is not owned by the Irish people. The revolution in Mexico to-day finds its reason originally in the landlord system in that country. There is a man in Mexico who owns an estate, which he got from a Spanish land grant, that is two-thirds as large as my own State. In other words, gentlemen of the House, no monopoly can ever be half as wicked as a land monopoly, and if this bill should pass as it was originally drawn it would give these people the right for all time to come to own real estate and to continue to buy real estate.

In the past the English people have had trouble with great corporations owning lands and passing them into dead hands so that the ownership may be perpetual.

The SPEAKER. The time of the gentleman has expired.

Mr. SISSON. Will the gentleman from Georgia give me a few minutes more?

Mr. BARTLETT. I yield three minutes more to the gentleman.

The SPEAKER. The gentleman from Mississippi [Mr. SISSON] is recognized for three minutes more.

Mr. SISSON. The struggle in England in reference to the ownership of land in the early days was a terrific struggle, because so much land had passed out of the hands of the people and into the hands of the church. Now, no man will deny that the establishment of the Christian church was one of the greatest of all the purposes of the organization of a corporation or any other institution in the world, and because this organization now under discussion happens to be an organization which intends to promote letters and the arts is no reason why it should become a part of numbers of corporations that may go out and own and operate farms in competition with the people of your State and mine.

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

The SPEAKER. Does the gentleman from Mississippi yield to the gentleman from Texas?

Mr. SISSON. Yes.

Mr. GARNER. Is it not a fact that a number of the States have adopted in their constitutions provisions which force all corporations to alienate their lands except what they have in actual use?

Mr. SISSON. Yes. In the constitution of the State of Oklahoma it is provided that no corporation shall own any land except for agricultural purposes, and that three years after the acquirement of an estate, if it is bought in to satisfy a judgment or other indebtedness, they are compelled to alienate the land. In the State of Illinois, in the case referred to by the gentleman from Missouri [Mr. SHACKLEFORD], a law was passed to prevent a corporation from owning farm lands and to prevent monopoly.

Mr. MANN. If the gentleman will yield, I will say we do not allow any corporation to own land for any purpose except for the purpose of incorporation.

Mr. GARNER. We require the same thing in the State of Texas.

Mr. CARLIN. And we require the same thing in Virginia.

Mr. SISSON. But many of the States of the Union do not do that. We had to pass in the Legislature of Mississippi, at the last session of the legislature, a law to prevent the corporate ownership of land, because in one body 80,000 acres of land had passed into the hands of an English syndicate, which proposed to farm it out with the cheapest labor they could get. The law in my own State is not half as drastic as it should be. The people of my State raised quite a protest, and the State legislature has endeavored to stop it, but have not gone far enough.

The SPEAKER. The time of the gentleman from Mississippi has again expired.

Mr. BARTLETT. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has 10 minutes remaining.

Mr. BARTLETT. I yield 10 minutes to the gentleman from Missouri [Mr. BORLAND].

The SPEAKER. The gentleman from Missouri [Mr. BORLAND] is recognized for 10 minutes.

Mr. GARRETT. Mr. Speaker, I make the point that there is no quorum present.

The SPEAKER. The gentleman from Tennessee [Mr. GARRETT] makes the point that there is no quorum present. Evidently there is not.

ADJOURNMENT.

Mr. GARNER. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The gentleman from Texas [Mr. GARNER] moves that the House do now adjourn. The question is on agreeing to that motion.

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

Mr. MANN. Mr. Speaker, I demand a division.

The SPEAKER. The gentleman from Illinois [Mr. MANN] demands a division.

The House divided; and there were—ayes 49, noes 23.

So the House decided to adjourn.

Accordingly (at 5 o'clock and 20 minutes p. m.) the House adjourned until to-morrow, Thursday, January 16, 1913, at 12 o'clock noon.

## EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the president of the Chesapeake & Potomac Telephone Co., transmitting, pursuant to law, the annual report of said company for the year 1912 (H. Doc. No. 1270); to the Committee on the District of Columbia and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Acting Secretary of Commerce and Labor, reporting claims for damages which have been considered, adjusted, and determined by the Commission of Lighthouses in favor of the Union Steamship Co. and in favor of the S. E. Slade Lumber Co., all of San Francisco, Cal. (H. Doc. No. 1269); to the Committee on Appropriations and ordered to be printed.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. GARDNER of Massachusetts, from the Committee on the Library, to which was referred the joint resolution (H. J. Res. 369) authorizing the Secretary of the Treasury to give certain old Government documents to the Old Newbury Historical Society, of Newburyport, Mass., reported the same without amendment, accompanied by a report (No. 1302), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. FLOOD of Virginia, from the Committee on Foreign Affairs, to which was referred the joint resolution (S. J. Res. 132) providing for an American commission for the investigation of rural credits in Europe, reported the same without amendment, accompanied by a report (No. 1303), which said bill and report were referred to the House Calendar.

## CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 27713) granting an increase of pension to Annie Conroy, and the same was referred to the Committee on 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. RUSSELL: A bill (H. R. 28093) to amend the general pension act of May 11, 1912; to the Committee on Invalid Pensions.

By Mr. McCOY: A bill (H. R. 28094) to amend section 96, chapter 5, of the act of Congress of March 3, 1911, entitled "The Judicial Code"; to the Committee on the Judiciary.

By Mr. STEPHENS of Texas: A bill (H. R. 28095) authorizing the Secretary of the Interior to make per capita payments to members of the Five Civilized Tribes; to the Committee on Indian Affairs.

By Mr. CARY: A bill (H. R. 28096) granting an increase of compensation to bookbinders, printers, and pressmen in the Government Printing Office; to the Committee on Printing.

By Mr. CARLIN (by request): A bill (H. R. 28097) to establish land and coin banks and to increase the currency; to the Committee on Banking and Currency.

By Mr. DIES: A bill (H. R. 28098) to authorize the construction of a bridge across the Sabine River at Orange, Tex.; to the Committee on Interstate and Foreign Commerce.

By Mr. RAKER: A bill (H. R. 28099) to amend an act entitled "An act to establish postal savings depositories for depositing savings at interest with security of the Government for repayment thereof, and for other purposes," approved June 25, 1910; to the Committee on the Post Office and Post Roads.

By Mr. MOORE of Pennsylvania: A bill (H. R. 28100) authorizing the Secretary of the Navy to recover the hull, guns, and other equipment of the U. S. frigate *Philadelphia*, now lying in the harbor of Tripoli, and making appropriation therefor; to the Committee on Appropriations.

By Mr. GALLAGHER: Resolution (H. Res. 776) instructing the Committee on Banking and Currency to investigate profits of national banks, and to make report of such facts as it ascertains; to the Committee on Banking and Currency.

## PRIVATE BILLS AND RESOLUTIONS.

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

By Mr. ANSBERRY: A bill (H. R. 28101) granting an increase of pension to Benjamin F. H. Hankins; to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 28102) granting an increase of pension to Mary H. Johnston; to the Committee on Invalid Pensions.

By Mr. CARY: A bill (H. R. 28103) granting a pension to Catherine C. Weeks; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28104) granting a pension to Mary MacArthur; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28105) granting an increase of pension to Mary A. Stewart; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28106) granting an increase of pension to Robert Pratt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28107) granting an increase of pension to Fritz Janzen; to the Committee on Invalid Pensions.

By Mr. CULLOP: A bill (H. R. 28108) granting an increase of pension to John T. Langley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28109) granting an increase of pension to Reuben S. McClun; to the Committee on Invalid Pensions.

By Mr. EDWARDS: A bill (H. R. 28110) for the relief of F. G. Hodges; to the Committee on War Claims.

Also, a bill (H. R. 28111) for the relief of the heirs of John Van Landingham; to the Committee on War Claims.

By Mr. FOWLER: A bill (H. R. 28112) granting a pension to Daniel Linder; to the Committee on Pensions.

By Mr. GOULD: A bill (H. R. 28113) granting an increase of pension to Benjamin F. Hall; to the Committee on Invalid Pensions.

By Mr. GRAY: A bill (H. R. 28114) granting a pension to Rebbecca S. Merritt; to the Committee on Invalid Pensions.

By Mr. HINDS: A bill (H. R. 28115) granting a pension to Priscilla E. Fletcher; to the Committee on Pensions.

Also, a bill (H. R. 28116) to amend and correct the military record of Robert Pearson; to the Committee on Military Affairs.

By Mr. KONOP: A bill (H. R. 28117) granting a pension to Virginia M. Gaspard; to the Committee on Pensions.

By Mr. LANGHAM: A bill (H. R. 28118) granting an increase of pension to W. P. Altman; to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 28119) granting an increase of pension to Araminta Ward; to the Committee on Invalid Pensions.

By Mr. LINDBERGH: A bill (H. R. 28120) granting a pension to Jacob Heffley; to the Committee on Invalid Pensions.

By Mr. LITTLEPAGE: A bill (H. R. 28121) for the relief of M. E. Russell; to the Committee on War Claims.

Also, a bill (H. R. 28122) granting an increase of pension to Levi W. Moore; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28123) granting an increase of pension to Theresa Reed; to the Committee on Invalid Pensions.

By Mr. MILLER: A bill (H. R. 28124) granting a pension to Margeret E. Plummer; to the Committee on Invalid Pensions.

By Mr. PATTON of Pennsylvania: A bill (H. R. 28125) granting an increase of pension to George W. Livengood; to the Committee on Invalid Pensions.

By Mr. POST: A bill (H. R. 28126) granting a pension to Hannah Kizer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28127) granting an increase of pension to Cyrus W. Patch; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28128) granting an increase of pension to Ryerson J. Parkhurst; to the Committee on Invalid Pensions.

By Mr. RAINEY: A bill (H. R. 28129) granting a pension to Eliza Browning; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28130) granting a pension to Mary McKee; to the Committee on Invalid Pensions.

By Mr. REILLY: A bill (H. R. 28131) granting a pension to Charles Thomas; to the Committee on Pensions.

By Mr. REYBURN: A bill (H. R. 28132) granting an honorable discharge to George M. Bryan; to the Committee on Military Affairs.

By Mr. SMITH of New York: A bill (H. R. 28133) granting an increase of pension to Michael Minehan; to the Committee on Invalid Pensions.

By Mr. SPEER: A bill (H. R. 28134) granting an increase of pension to William Ashton; to the Committee on Invalid Pensions.

By Mr. STEPHENS of California: A bill (H. R. 28135) granting an increase of pension to Laura Hill; to the Committee on Invalid Pensions.

By Mr. VARE: A bill (H. R. 28136) granting an increase of pension to George D. Wilson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28137) to correct the lineal and relative rank of First Lieut. Thomas J. Leary, Medical Corps, United States Army; to the Committee on Military Affairs.

By Mr. YOUNG of Kansas: A bill (H. R. 28138) granting an increase of pension to Benjamin Butler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28139) granting an increase of pension to George Klonz; 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 the SPEAKER: Resolutions of the Senate and House of Representatives of the State of Vermont, making application to Congress, under provisions of Article V of the Constitution of the United States, favoring the passage of legislation amending the Constitution so as to prohibit polygamy and polygamous cohabitation; to the Committee on the Judiciary.

By Mr. ASHBROOK: Petition of J. E. Russell and 40 other citizens of West Lafayette, Ohio, favoring the passage of the Webb-Sheppard bill preventing the shipment of liquor into dry territory; to the Committee on the Judiciary.

Also, petition of Dr. J. A. Honabargar and 4 other citizens of Warsaw, Ohio, asking for an appropriation for the continuance of an investigation as to the cultivation of ginseng and golden seal; to the Committee on Appropriations.

By Mr. CALDER: Petition of the Brooklyn Institute of Arts and Sciences, favoring the passage of the Crawford-Sulzer bill for an international conference on the high cost of living; to the Committee on Foreign Affairs.

By Mr. CARY: Petition of the Crex Carpet Co., New York, protesting against any legislation for the reduction of tariff on matting, carpeting, etc.; to the Committee on Ways and Means.

Also, petition of the American Machine Tool Manufacturers, protesting against the passage of any legislation for the reduction of tariff on machine tools, etc.; to the Committee on Ways and Means.

Also, petition of the social science section of the American Association of Advanced Science, favoring the passage of Senate bill 3 for Federal aid to vocational education; to the Committee on Agriculture.

Also, petition of the Wisconsin beet sugar companies, protesting against any reduction of tariff on all raw and refined sugar; to the Committee on Ways and Means.

By Mr. CURRIER: Petition of New Hampshire merchants and business men, favoring the passage of legislation granting the Interstate Commerce Commission further power toward controlling the express companies; to the Committee on Interstate and Foreign Commerce.

Also, petition of the New Hampshire Historical Society, favoring the passage of legislation making an appropriation for the preservation of the national archives; to the Committee on the Library.

By Mr. GUERNSEY: Petition of W. W. Ansby, favoring the passage of legislation for the construction of the Lincoln memorial road from Washington to Gettysburg; to the Committee on the Library.

By Mr. HAYES: Petition of the Chamber of Commerce of San Francisco, Cal., favoring the passage of House bill 22589, making an appropriation for the building of embassy, legation, etc., buildings; to the Committee on Foreign Affairs.

Also, petition of P. W. Deckman, Omard, Cal., favoring the passage of House bill 19800, granting pension to veterans of the Indian wars; to the Committee on Pensions.

Also, petition of Judson G. Wall, New York, favoring the passage of Senate bill 3, for Federal aid to vocational education; to the Committee on Agriculture.

Also, petition of the Chamber of Commerce of San Francisco, Cal., protesting against the reduction of tariff on raw and refined sugars; to the Committee on Ways and Means.

Also, petition of S. H. Frank & Co., of San Francisco, Cal., favoring the passage of legislation for the reduction of duty on tanning extracts; to the Committee on Ways and Means.

Also, petition of R. F. Shackelford, Bakersfield, Cal., favoring the amending of House bill 5392—the Sutherland compensation bill; to the Committee on the Judiciary.

By Mr. LINDSAY: Petition of Josiah Whippey, Newell, W. Va., favoring the passage of House bill 1339, granting an increase of pension to veterans of the Civil War who lost an arm or leg; to the Committee on Invalid Pensions.

Also, petition of the Navy League of the United States, of Washington, D. C., favoring the passage of House bill 1309, for a council of national defense; to the Committee on Naval Affairs.

By Mr. PADGETT: Petition of citizens of the seventh district of Pennsylvania, favoring the passage of legislation compelling all concerns selling goods direct to the consumer entirely by mail to contribute their portion of the funds for the development of the local community, etc.; to the Committee on Interstate and Foreign Commerce.

By Mr. REYBURN: Petition of the Philadelphia Chamber of Commerce, favoring the passage of legislation for the construction of a 1,700-foot dry dock at League Island; to the Committee on Naval Affairs.

By Mr. ROBERTS of Massachusetts: Petition of citizens of Stoneham, Mass., favoring the passage of the Kenyon-Sheppard liquor bill preventing the shipment of liquor into dry territory; to the Committee on the Judiciary.

By Mr. SCULLY: Petition of the Italian Chamber of Commerce, New York, protesting against the passage of Senate bill 3175, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of Pine Bluff Lodge, No. 305, Brotherhood of Railroad Trainmen, protesting against the passage of the workmen's compensation bill; to the Committee on the Judiciary.

Also, petition of the National Society for the Promotion of Industrial Education, New York, favoring the passage of Senate bill 3, for Federal aid to vocational education; to the Committee on Agriculture.

Also, petition of the Columbia and Snake River Waterways Association and other business clubs, etc., of Idaho and Washington, favoring the passage of legislation making an appropriation of $1,400,000 for the completion of the Celilo Canal; to the Committee on Rivers and Harbors.

By Mr. SLOAN: Petition of the Methodist congregation of Geneva, Nebr., favoring the passage of the Kenyon "red-light" injunction bill for the cleaning up of Washington for the inauguration; to the Committee on the District of Columbia.

By Mr. TILSON: Petition of the Connecticut Pharmaceutical Association, favoring the passage of House bill 25834; to the Committee on Ways and Means.

By Mr. GUERNSEY: Petition of residents of Monticello, Me., favoring the passage of the Kenyon-Sheppard liquor bill preventing the shipment of liquor into dry territory; to the Committee on the Judiciary.

By Mr. VARE: Petition of the Blaisdell Paper Pencil Co., Philadelphia, Pa., protesting against the proposed reduction of tariff on lead for pencils; to the Committee on Ways and Means.

By Mr. WILLIS: Papers to accompany House bill 28091, granting a pension to William Ash; to the Committee on Invalid Pensions.

By Mr. WILSON of New York: Petition of Judson G. Wall, of New York, favoring the passage of Senate bill 3, for Federal aid to vocational education; to the Committee on Agriculture.

## SENATE.

THURSDAY, *January 16, 1913.*

Rev. Oliver Johnson, of Winnsboro, S. C., offered the following prayer:

Our Father, who art in heaven, we all need that wisdom which cometh down from above, which is first pure, then peaceable, gentle, easy to be entreated, full of mercy and good fruits, without partiality and without hypocrisy. Make each of us earnestly to desire that his wisdom may be Thy wisdom and his will Thy will, that the Divine approval may rest upon all our acts. And whatsoever things are true and honest and of good report, may we think on those things, and so think on them that we shall love them and do them. Through our Lord Jesus Christ. Amen.

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

### FINDINGS OF THE COURT OF CLAIMS.

The PRESIDENT pro tempore (Mr. BACON) laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact and conclusions filed by the court in the following causes:

Benjamin Jarvis *v.* United States (S. Doc. No. 1011).
James Munns *v.* United States (S. Doc. No. 1012).
Charles M. Marshall *v.* United States (S. Doc. No. 1013).
James J. Buck *v.* United States (S. Doc. No. 1014).
Richard L. Gorman *v.* United States (S. Doc. No. 1015).
Louis W. Knobe *v.* United States (S. Doc. No. 1016).

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact and opinion filed by the court in the case of T. L. Love, surviving partner of Robert Love & Son, *v.* United States (S. Doc. No. 1017), which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

### PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a memorial of members of the National Association of Audubon Societies, remonstrating against the transfer of the control of the national forests to the several States, which was referred to the Committee on Forest Reservations and the Protection of Game.

Mr. TOWNSEND (for Mr. SMITH of Michigan) presented memorials of the congregations of the Seventh-day Adventist Churches of Battle Creek, Sumner, Charlotte, North Branch, Lakefield, Lowell, Grandville, Berrien Springs, Flint, Lansing, Allegan, Sturgis, Grand Rapids, Chesaning, Hastings, Quincy, Oxford, and Urbandale, all in the State of Michigan, remonstrating against the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

Mr. KERN presented memorials of sundry citizens of South Bend, Ind., remonstrating against the enactment of legislation providing for the opening of post offices on Sunday, which were referred to the Committee on Post Offices and Post Roads.

Mr. GALLINGER presented a memorial of sundry citizens of Berlin, N. H., remonstrating against the enactment of legislation providing for the parole of Federal life prisoners, which was ordered to lie on the table.

He also presented petitions of the congregations of the Pilgrim Church, of Nashua; the Village Church, of Franklin; and the Baptist Church of Meriden, all in the State of New Hampshire, praying for the passage of the so-called Kenyon-Sheppard interstate liquor bill, which were ordered to lie on the table.

Mr. BRANDEGEE presented a petition of members of the Village Improvement Association, of Milford, Conn., and a petition of sundry citizens of Washington, Conn., praying for the enactment of legislation providing for the protection of migratory birds, which were ordered to lie on the table.

He also presented memorials of the congregations of the Seventh-day Adventist Churches of Norwich, Hartford, Guilford, and New London, all in the State of Connecticut, remonstrating against the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

Mr. LODGE presented petitions of the students of the Newton Technical High School, of Newtonville, Mass., praying for the passage of the so-called Page vocational-education bill, which were ordered to lie on the table.

Mr. SHIVELY presented a memorial of the congregation of the Seventh-day Adventist Church of Goshen, Ind., remonstrating against the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

He also presented memorials of Jacob Schott, Sherman L. Naftzger, A. G. Schafer, and 59 other citizens of South Bend,