Reason by the Government; to the Committee on Expenditures in the Post Office Department.

By Mr. CARY: Petition of W. H. Law, Detroit, Mich., favoring the passage of legislation for the relief of the family of Capt. Ocha, of the Life-Saving Service, deceased; to the Committee on Pensions.

By Mr. CURLEY: Petition of the Massachusetts Peace Society, Boston, Mass., favoring the repeal of the clause in the Panama Canal act making discriminations in the Panama Canal tolls; to the Committee on Interstate and Foreign Commerce.

Also, petition of the New England Water Works Association, protesting against the passage of any legislation tending to destroy the present national system of forest conservation; to the Committee on Agriculture.

By Mr. HILL: Petition of the Danbury Christian Endeavor Union, Danbury, Conn., protesting against the passage of legislation for the return of alcoholic liquors to the canteens of the Army; to the Committee on Military Affairs.

By Mr. LINDSAY: Petition of owners of grain elevators, Buffalo, N. Y., protesting against the passage of House bill 28180, with reference to securing a channel from the outer harbor to connect with the Buffalo River and for the enlargement of the anchorage basin in the outer harbor; to the Committee on Rivers and Harbors.

Also, petition of citizens of the borough of Brooklyn, N. Y., favoring an amendment to the naval appropriation bill providing for the building of one of the two new battleships in a Government navy yard; to the Committee on Naval Affairs.

By Mr. PETERS: Petition of the Massachusetts Peace Society, Boston, Mass., favoring the passage of legislation for submitting to arbitration the clause in the Panama Canal act discriminating against ships in Panama Canal tolls; to the Committee on Interstate and Foreign Commerce.

By Mr. POST: Petition of Radabaugh Bros., West Milton, Ohio, favoring the passage of the Weeks bill (H. R. 27567) for a 1-cent letter-postage rate; to the Committee on the Post Office and Post Roads.

By Mr. J. M. C. SMITH: Petition of Ann Arbor Branch of Collegiate Alumnæ, favoring the passage of legislation for the eight-hour law for women in the District of Columbia; to the Committee on the District of Columbia.

By Mr. TILSON: Petition of the New England Water Works Association, Boston, Mass., protesting against the passage of any legislation tending to destroy the present national system of forest conservation; to the Committee on Agriculture.

By Mr. UNDERHILL: Petition of owners of grain elevators, Buffalo, N. Y., protesting against the passage of House bill 28180, with reference to securing a channel from the outer harbor to connect with the Buffalo River and for the enlargement of the anchorage basin in the outer harbor; to the Committee on Rivers and Harbors.

By Mr. WILSON of New York: Petition of owners of grain elevators, Buffalo, N. Y., protesting against the passage of House bill 28180, with reference to securing a channel from the outer harbor to connect with the Buffalo River and for the enlargement of the anchorage basin in the outer harbor; to the Committee on Rivers and Harbors.

SENATE.

TUESDAY, *February 25, 1913.*

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

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. SMOOT and by unanimous consent, the further reading was dispensed with and the Journal was approved.

ESTIMATE OF APPROPRIATION.

The PRESIDENT pro tempore (Mr. GALLINGER) laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of the Interior submitting an estimate of $334,435 for the installation of a sanitary sewerage and storm-water drainage system in the city of Hot Springs, Ark., abutting the Hot Springs Reservation, which, with the accompanying papers, was referred to the Committee on Appropriations.

SERVICE PENSION LAW.

The PRESIDENT pro tempore. The Chair lays before the Senate a communication from the commander in chief of the Grand Army of the Republic, transmitting resolutions, which will be read.

The Secretary read as follows:

HEADQUARTERS GRAND ARMY OF THE REPUBLIC,
OFFICE OF COMMANDER IN CHIEF,
Bridgeport, Conn., February 24, 1913.

To the PRESIDENT PRO TEMPORE
OF THE SENATE OF THE UNITED STATES,
Washington, D. C.

SIR: In accordance with the vote of the Forty-sixth National Encampment of the Grand Army of the Republic, held at Los Angeles, Cal., September 12–13, 1912, we have the honor to transmit herewith resolutions unanimously adopted by said encampment and directed to be presented to the Senate of the Congress of the United States in appreciation of its passage of the pension bill, approved May 11, 1912.

Very respectfully, yours,

ALFRED B. BEERS,
Commander in Chief.
HENRY J. SEELEY,
Adjutant General.

HEADQUARTERS GRAND ARMY OF THE REPUBLIC,
Bridgeport, Conn., January 30, 1913.

To the Senate of the Congress of the United States:

We hereby certify that at the Forty-sixth Annual Encampment of the Grand Army of the Republic held at Los Angeles, Cal., September 12–13, 1912, the following resolutions were unanimously adopted:

Resolved: First. That the thanks of the Grand Army of the Republic and of those whom it represents be, and are hereby, extended to the President of the United States, the Hon. William Howard Taft; to the Congress of the United States in both its branches, and especially our comrade, Gen. ISAAC R. SHERWOOD, chairman of the Committee on Invalid Pensions of the House of Representatives, and to the Hon. PORTER J. MCCUMBER, chairman of the Senate Committee on Pensions, for their efficient cooperation and tactful leadership in securing the enactment of the law of May 11, 1912; and also to Senator HENRY E. BURNHAM, and Representative JOHN A. M. ADAIR, for their invaluable services in reaching an agreement on the part of the conferees of the two Houses of Congress.

Second. That the thanks of the encampment be, and are hereby, tendered to each member of the pension committee of the Grand Army of the Republic and to the comrades who aided the committee in this work, and in particular to Comrade Ell Torrance, past commander in chief and chairman of said pension committee, and to Commander in Chief Harvey M. Trimble, for their great and successful work in behalf of the surviving veteran Union soldiers of the Civil War.

Third. That the incoming commander in chief is hereby directed to have prepared and engrossed copies of these resolutions to be presented to the respective parties herein named.

[SEAL.]

ALFRED B. BEERS,
Commander in Chief.

Official:

HENRY J. SEELEY,
Adjutant General.

The PRESIDENT pro tempore. The communication and accompanying resolutions will be referred to the Committee on Pensions.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented House joint memorial No. 3, adopted by the Legislature of the State of Wyoming, which was ordered to lie on the table and to be printed in the RECORD, as follows:

THE STATE OF WYOMING,
OFFICE OF THE SECRETARY OF STATE.

UNITED STATES OF AMERICA,
State of Wyoming, ss.:

I, Frank L. Houx, secretary of state of the State of Wyoming, do hereby certify that the following copy of house joint memorial No. 3, adopted by the Legislature of the State of Wyoming, has been carefully compared with the original, filed in this office on the 18th day of February, A. D. 1913, and is a full, true, and correct copy thereof:

House joint memorial No. 3.

Whereas there have been introduced in Congress three bills (H. R. 36, H. R. 4428, S. 2367) to afford Federal protection to migratory game birds; and

Whereas there is a very general sentiment in this State in favor of such protection, and an urgent request for the enactment of such a law has been made, as appears by the numerous petitions received: Now therefore

Resolved (the senate concurring), That Congress be, and hereby is, requested to enact a law giving ample protection to migratory game birds.

Resolved, That the legislatures of all other States of the United States, now in session or when next convened, be, and they are hereby, respectfully requested to join in this request by the adoption of this or an equivalent resolution.

Resolved further, That the secretary of state be, and he hereby is, directed to transmit copies of this resolution to the Senate and the House of Representatives of the United States, and to the several Members of said body representing this State therein; also to transmit copies hereof to the legislatures of all other States of the United States.

MARTIN L. PRATT,
Speaker of the House.
BIRNEY H. SAGE,
President of the Senate.

Approved February 17, 1913.

JOSEPH M. CAREY, *Governor.*

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of Wyoming.

Done at Cheyenne, the capital, this 18th day of February, A. D. 1913.

[SEAL.]

FRANK L. HOUX, *Secretary of State.*
By F. H. WESCOTT, *Deputy.*

Mr. CULLOM presented a memorial of the Building Trades Council of Quincy, Ill., remonstrating against the enactment of legislation providing Federal pay for members of the National Guard, which was referred to the Committee on Military Affairs.

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He also presented a petition of William McKinley Camp, No. 12, Department of Illinois, United Spanish War Veterans, of Chicago, Ill., praying for the enactment of legislation granting pensions to the widows and orphans of the Spanish-American War, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Mulberry Grove, Ill., praying for the enactment of legislation providing Federal aid in the construction of public highways, which was referred to the Committee on Agriculture and Forestry.

Mr. CHAMBERLAIN. I present a joint memorial adopted by the Legislature of Oregon, which I ask may be printed in the RECORD and referred to the Committee on Patents.

There being no objection, the joint memorial was referred to the Committee on Patents and ordered to be printed in the RECORD, as follows:

UNITED STATES OF AMERICA,
STATE OF OREGON,
OFFICE OF THE SECRETARY OF STATE.

I, Ben W. Olcott, secretary of state of the State of Oregon and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of house joint memorial No. 4 with the original thereof filed in the office of the secretary of state of the State of Oregon on the 15th day of February, 1913, and that the same is a full, true, and complete transcript therefrom and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Oregon. Done at the capitol at Salem, Oreg., this 17th day of February, A. D. 1913.

[SEAL.] BEN W. OLCOTT,
Secretary of State.

House joint memorial 4.

Whereas the people of the State of Oregon and of these United States are viewing with alarm the rapid and enormous increase in the cost of living, caused, as we believe, by the monopoly made possible by the existence of the patent-right laws; and

Whereas the cost of educating our children and otherwise advancing civilization is more than doubled by the monopoly made possible by the existence of the copyright laws; and

Whereas every article of trade and commerce as well as education and civilization are closed by the throttling of competition; and

Whereas cooperation is the only key with which the closed door of opportunity may be opened: Now therefore be it

Resolved by the house (the senate concurring), That our Representatives and Senators in Congress be, and are hereby, memorialized and requested to introduce, if necessary, to vote for, and use their best endeavors to pass a law amending all patent-right and copyright laws and offering and allowing to all inventors a royalty of 5 per cent, or a graduated royalty, as the case may be, to be paid by anyone who cares to manufacture any article or commodity now covered by such patent right or copyright.

Your memorialists further believe and urge that the repeal of such patent-right and copyright laws will at once inaugurate competition, resulting in a lower cost of living.

That the copyright privilege on schoolbooks alone costs the people more than double the necessary cost of such schoolbooks, and is therefore an inexcusable barrier in the way of education and general enlightenment.

That the leasing system of labor-saving patents, with a refusal to sell the same, is as pernicious as it is monopolistic, and that by this practice the prices of all products of such labor-saving machinery may be and are generally under the absolute control of the owner thereof.

We believe these laws to contain one of the hidden secrets whereby the great combination of wealth throttles competition and thus place the American common people helpless at their feet.

Adopted by the house January 28, 1913.

C. N. MCARTHUR,
Speaker of the House.

Concurred in by the Senate February 13, 1913.

DAN J. MALARKEY,
President of the Senate.

Indorsed: House joint memorial No. 4.

W. F. DRAGER, *Chief Clerk.*

Filed February 15, 1913, at 4.10 o'clock p. m.

BEN W. OLCOTT,
Secretary of State.

Mr. CHAMBERLAIN. I present a joint memorial adopted by the Legislature of the State of Oregon, which I ask may be printed in the RECORD and referred to the Committee on Immigration.

There being no objection, the joint memorial was referred to the Committee on Immigration, and ordered to be printed in the RECORD, as follows:

UNITED STATES OF AMERICA,
STATE OF OREGON,
OFFICE OF THE SECRETARY OF STATE.

I, Ben W. Olcott, secretary of state of the State of Oregon, and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of house joint memorial No. 10 with the original thereof filed in the office of the secretary of state of the State of Oregon on the 15th day of February, 1913, and that the same is a full, true, and complete transcript therefrom and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol at Salem, Oreg., this 17th day of February, A. D. 1913.

[SEAL.] BEN W. OLCOTT,
Secretary of State.

House joint memorial 10.

To the Senate and House of Representatives of the United States in Congress assembled:

We, your memorialists, the Legislative Assembly of the State of Oregon, hereby indorse the provisions of the Asiatic exclusion act, H. R. 13500, now pending in Congress, as the same is of great benefit to the laboring men of the United States, and we urge the passage of said bill.

Adopted by the House February 11, 1913.

C. N. MCARTHUR,
Speaker of the House.

Concurred in by the Senate February 13, 1913.

DAN J. MALARKEY,
President of the Senate.

Indorsed: House joint memorial No. 10.

W. F. DRAGER, *Chief Clerk.*

Filed February 15, 1913, at 4.10 o'clock p. m.

BEN W. OLCOTT,
Secretary of State.

Mr. HITCHCOCK. I present a resolution of the House of Representatives of the Nebraska Legislature, in favor of the McLean bill, for the protection of bird life and cooperation between the Federal Government and the States in the protection of game birds and song birds. I ask that the resolution lie on the table and be printed in the RECORD.

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

The Nebraska House of Representatives has, this 20th day of February, 1913, upon recommendation of the standing committee on fish culture and game, adopted the following resolution:

Be it resolved, That this house desires to go on record as favoring the widest possible cooperation between the States and the Federal Government to protect both game birds and song birds, and we do hereby request our Senators and Representatives in Congress to vote and work for the passage of the McLean bill, and for all other legislation designed to prevent the destruction of American bird life.

HENRY W. RICHMOND,
Chief Clerk.

HOUSE OF REPRESENTATIVES,
Lincoln, Nebr., February 20, 1913.

Mr. HITCHCOCK. I present a resolution of the State Senate of Nebraska in favor of a Federal appropriation of $25,000 for reclamation and surveys in that State. I ask that the resolution be printed in the RECORD and referred to the Committee on Irrigation and Reclamation of Arid Lands.

There being no objection, the resolution was referred to the Committee on Irrigation and Reclamation of Arid Lands and ordered to be printed in the RECORD, as follows:

Whereas the Government of the United States has and is expending immense sums of money to protect the low lands of the Missouri and Mississippi Valleys from the floods and overflow waters due to the melting of the snows in the headwaters of these rivers, and that such moneys have been expended in the past mostly for temporary relief in the building of dikes, dams, and levees; and

Whereas a few years ago the United States Government appropriated and expended the sum of $75,000,000 for experimental work in the construction of large dams and reservoirs in the headwaters of the large rivers in the arid regions of the West, for the purpose of reclaiming the agricultural lands in the various arid Western States by irrigation, and by this means have diverted the overflow and flood waters to irrigation and have added countless millions of dollars to the wealth of these Western States; and

Whereas expenditure of these moneys in the headwaters of our rivers, if continued, will solve the problem of the Federal Government in protecting its low lands in the lower Mississippi Valley and make unnecessary the expenditure of vast sums of money in the future in the erection of dams, embankments, dikes, and levees; and

Whereas we believe there are many thousands of acres of arid and semi-arid lands in western and central Nebraska that could be reclaimed and made very productive by irrigation, and that there are sufficient flood waters going to waste in the rivers and larger streams of this State sufficient to irrigate all of these arid lands; and

Whereas it is of benefit to the Federal Government to have the flood waters of these streams corralled, as it is of benefit to the citizens of our State to have the waters diverted to our agricultural lands, that the Government ought to do the experimental work of surveying and ascertaining what points there are within the State where it is practicable to impound the waters from our streams for irrigation purposes: Therefore be it

Resolved by the Senate of the State of Nebraska, That this senate requests that the Members of the United States Senate and House of Representatives from Nebraska introduce and support a bill in Congress appropriating the sum of $25,000 for the purpose of having the Federal Government make a survey of the rivers and larger streams in western and central Nebraska for the purpose of ascertaining where dams can be erected at feasible points, and where it is feasible and practicable to construct reservoirs for the purpose of impounding water for the purpose of irrigation; that our people may know by the reports from the Federal Government where they may successfully carry on such irrigation projects; that the appropriation of $25,000 be placed with and used by the Reclamation Service; and that the complete report of said surveys, with the recommendations attached, be made by the engineers of the Reclamation Service or the proper officers of the Federal Government; and be it further

Resolved, That the secretary of the senate is instructed to transmit a copy of this resolution to all of the Nebraska Senators and Representatives at Washington, D. C.

W. V. HOAGLAND.
J. M. GRACE.

Mr. HITCHCOCK presented memorials of sundry citizens of College View, Lincoln, Crawford, Broken Bow, York, and Lincoln, all in the State of Nebraska, remonstrating against the enactment of legislation compelling 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 a memorial of members of the Woman's Club of Falls City, Nebr., 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.

He also presented a memorial of the Farmers' Educational and Cooperative Union, of Hooper, Nebr., remonstrating against the adoption of the so-called Aldrich currency system, which was referred to the Committee on Finance.

He also presented resolutions adopted by local posts, Grand Army of the Republic, Department of Nebraska, of Omaha and South Omaha, Nebr., remonstrating against the proposed transfer of the Pacific Branch of the National Home for Volunteer Soldiers to the War Department, which were referred to the Committee on Military Affairs.

Mr. GRONNA presented resolutions adopted by the Retail Hardware Association of North Dakota, favoring the adoption of certain amendments to the parcel-post law, which were referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry citizens of New Home, N. Dak., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

Mr. CRANE presented resolutions adopted by members of the Massachusetts Peace Society, favoring the repeal of the clause in the Panama Canal act exempting American coastwise shipping from the payment of tolls through the Panama Canal, which were ordered to lie on the table.

He also presented resolutions adopted by the General Court of the Commonwealth of Massachusetts, favoring the adoption of an amendment to the Constitution giving Congress the power to regulate the hours of labor, which were referred to the Committee on the Judiciary.

Mr. PITTMAN. I present a joint resolution passed by the Legislature of the State of Nevada, which I ask may be printed in the RECORD and referred to the Committee on Commerce.

There being no objection, the resolution was referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

Senate and assembly joint resolution memorializing Congress.

Whereas there is pending in Congress, a House of Representatives bill known as H. R. 25518, which provides for the construction of an efficient and practical fishway in the Derby Dam, which is owned and controlled by the United States Reclamation Service, and in the Truckee River, Washoe County, and appropriating money for the construction thereof, and introduced by Mr. RAKER on June 27, 1912: Therefore be it

Resolved, The people of this State, through their representatives in this the twenty-sixth session of the legislature, most heartily recommend the passage of the bill, to the end that effective provision may be had for the passage of the trout of this stream, and those of Pyramid Lake, during their spawning season, to enable them to reach their spawning beds in the upper stretches of the Truckee River, for the purpose of reproduction: And be it further

Resolved, That the secretary of state is instructed to at once forward copies of this memorial to the President of the United States, the President of the Senate, and Speaker of the House of Representatives, and to our United States Senators and Representatives in Congress.

Approved, February 17, 1913.

STATE OF NEVADA,
DEPARTMENT OF STATE.

I, George Brodigan, the duly elected, qualified, and acting secretary of state of the State of Nevada, do hereby certify that the foregoing is a true, full, and correct copy of the original senate and assembly joint resolution, approved February 17, 1913, now on file and of record in this office.

In witness whereof I have hereunto set my hand and affixed the great seal of State at my office, in Carson City, Nev., this 18th day of February, A. D. 1913.

[SEAL.]

GEO. BRODIGAN,
Secretary of State,
By J. W. LEGATE, *Deputy.*

Mr. PITTMAN. I present a memorial of the Legislature of the State of Nevada, which I ask may be printed in the RECORD and referred to the Committee on Finance.

There being no objection, the memorial was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

Assembly joint and concurrent resolution 1.

Whereas the Secretary of the Treasury has reported to Congress the desirability of abolishing certain United States mints and assay offices—among them the mint at Carson City—urging economy and uselessness as a reason therefor; and the House of Representatives, through its Committee on Appropriations, has accepted these recommendations, with the result that the House has failed to include any appropriation for these assay offices for the next fiscal year; and that notwithstanding this the Senate, recognizing the needs of the western miners, has inserted appropriations for these offices in the bill: Now therefore be it.

Resolved, by the Assembly of the State of Nevada (the Senate concurring), That we respectfully urge, in the name of the miners of the West, and especially those of Nevada—a State which furnished to our Government in time of dire distress the means from her mineral wealth by which this Government and the Union of States was perpetuated—that Congress do not take away from the producers of bullion the means for its prompt disposal at its full value, by abolishing these assay offices and forcing the miners to dispose of their product to private refineries: And be it further

Resolved, That our Senators and Representative be furnished with a copy of these resolutions immediately that they may bring the same to the attention of their respective Houses that the desires of the citizens of Nevada may be fully understood.

Approved, February 19, 1913.

STATE OF NEVADA,
DEPARTMENT OF STATE.

I, George Brodigan, the duly elected, qualified, and acting secretary of state of the State of Nevada, do hereby certify that the foregoing is a true, full, and correct copy of the original assembly joint and concurrent resolution No. 1, introduced by Mr. Holmes, approved February 19, 1913, now on file and of record in this office.

In witness whereof I have hereunto set my hand and affixed the great seal of State at my office, in Carson City, Nev., this 20th day of February, A. D. 1913.

[SEAL.]

GEO. BRODIGAN,
Secretary of State,
By J. W. LEGATE, *Deputy.*

Mr. BRANDEGEE presented a petition of Local Grange, Patrons of Husbandry, of Kent, Conn., and a petition of Housatonic Grange, Patrons of Husbandry, of Stratford, Conn., praying for the passage of the so-called agricultural extension bill, which were ordered to lie on the table.

Mr. ROOT presented memorials of sundry citizens of Watertown, Onondaga, Ellicottville, Adams Center, White Plains, North Castle, New York City, Lockport, and Vienna, and of the congregation of the Seventh-day Adventist Church of Wellsville, all in the State of New York, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

Mr. CLARK of Wyoming. I present a joint memorial of the Legislature of the State of Wyoming, which I ask may be printed in the RECORD and referred to the Committee on Public Lands.

There being no objection, the memorial was referred to the Committee on Public Lands, and ordered to be printed in the RECORD, as follows:

THE STATE OF WYOMING,
OFFICE OF THE SECRETARY OF STATE.

UNITED STATES OF AMERICA,
State of Wyoming, ss:

I, Frank L. Houx, secretary of state of the State of Wyoming, do hereby certify that the following and hereto-attached copy of enrolled joint memorial No. 2, Senate, State of Wyoming, has been carefully compared with the original filed in this office on the 21st day of February, A. D. 1913, and is a full, true, and correct copy of the same and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of Wyoming.

Done at Cheyenne, the capital, this 22d day of February, A. D. 1913.

[SEAL.]

FRANK L. HOUX,
Secretary of State,
By F. H. WESCOTT,
Deputy.

Original senate joint memorial 6. Twelfth Legislature of the State of Wyoming.

Enrolled joint memorial 2, Senate, State of Wyoming.

Memorial to the honorable Secretary of the Interior of the United States of America, relative to restoring to entry lands now withdrawn in Wyoming under the North Platte project of the United States Reclamation Service.

Be it resolved by the Senate of the State of Wyoming (the House of Representatives concurring), That—

Whereas there has been withdrawn for a number of years 150,000 acres of land, more or less, in townships 21, 22, 23, 24, and 25 north of ranges 60, 61, 62, 63, 64, and 65 west of the sixth principal meridian, all located in the State of Wyoming, under the North Platte or Nebraska-Wyoming reclamation project, and said land now remains idle and under most favorable conditions could not be reclaimed and settled up within a period of 15 years; and

Whereas the demand for homes is increasing at a rapid rate and settlers are knocking at our doors; and

Whereas the greater part of tillable land surrounding the land withdrawn and now idle under the foregoing project has been entered under the public-land laws of the United States; and

Whereas if said withdrawn areas are restored to entry it can be, and doubtless will be, all settled up within a very few years; and

Whereas the primary object of the Federal land laws is to promote the passage of land into private ownership with as little delay as possible: And be it

Resolved, That the honorable Secretary of the Interior of the United States be memorialized to restore all of said land to entry during the spring of the year 1913, in order that the State of Wyoming may secure the benefits of the annual immigration to the West; be it further

Resolved, That a copy of this memorial be sent to Hon. FRANCIS E. WARREN, Hon. CLARENCE D. CLARK, and Hon. FRANK W. MONDELL, representatives in Congress from the State of Wyoming.

BIRNEY H. SAGE,
President of the Senate.
MARTIN L. PRATT,
Speaker of the House.

Approved February 21, 1913, at 2.45 p. m.

JOSEPH M. CAREY, *Governor.*

Mr. CLARK of Wyoming. I present a joint memorial of the Legislature of the State of Wyoming, which I ask may be printed in the RECORD and referred to the Committee on Public Lands.

There being no objection, the memorial was referred to the Committee on Public Lands and ordered to be printed in the RECORD, as follows:

THE STATE OF WYOMING,
OFFICE OF THE SECRETARY OF STATE.

UNITED STATES OF AMERICA,
State of Wyoming, ss:

I, Frank L. Houx, secretary of state of the State of Wyoming, do hereby certify that the annexed copy of enrolled joint memorial No. 5, House of Representatives, State of Wyoming, has been carefully compared with the original, filed in this office on the 21st day of February, A. D. 1913, and is a full, true, and correct copy of the same and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of Wyoming.

Done at Cheyenne, the capital, this 22d day of February, A. D. 1913.

[SEAL.]

FRANK L. HOUX,
Secretary of State,
By F. H. WESCOTT,
Deputy.

Original house joint memorial 7. Twelfth Legislature of the State of Wyoming.

Enrolled joint memorial 5, House of Representatives, State of Wyoming.

House joint memorial to the Congress of the United States.

Be it resolved by the House of Representatives of the State Legislature of the State of Wyoming (the Senate concurring), That—

Whereas when the original thirteen States of the Union established their independence of the British Government and established the Government of the United States each State became the owner of the vacant and unappropriated lands within its borders; and

Whereas when new States were formed out of the territory of such original States and admitted into the Union such new States became entitled to the vacant and unappropriated lands within their borders; and

Whereas the ownership of the United States lands within the limits of the original States of the Union is based upon cessions made to the Government of the United States by those respective States; and

Whereas subsequently, when foreign governments at divers times ceded territory to the Government of the United States, the vacant and unappropriated lands within such ceded territory passed to the Government of the United States; and

Whereas when new States were formed out of such ceded territory those States were denied title to the vacant and unappropriated lands within their borders, we believe that an unwise, unjust, and detrimental public-land policy was established by the Federal Government, and one which has uniformly and powerfully operated to the retarding of the general welfare of the citizenship and prevention of the development of the resources of every character within the borders of those new States, which have struggled under the blighting influence and effect of that selfish, short-sighted, and ruinous public-land policy:

Therefore we, the Senate and House of Representatives of the State of Wyoming, hereby memorialize the Congress of the United States to enact such legislation as will cause the cessions by the Government of the United States to the States comprising said Government of all vacant and unappropriated lands title to which is held by the Federal Government to the States respectively within whose borders they lie.

The paramount reasons for this memorial must be transparent to the Congress of the United States if acceptance is given to the primary purpose of the creation.

The Federal Government, so far as internal affairs are concerned, viz, the promotion of the general welfare and the establishment of justice throughout the Nation; the economic reasons and public policies which should operate upon the Congress of the United States in doing justice to and promoting the general welfare and accelerating the industrial development of the so-called arid-land States of the Union, within whose borders the vastly larger part of the vacant and unappropriated lands title to which are held by the United States Government lie, are so patent and powerful and numerous that they need not be recapitulated in this memorial.

We believe that the prayer of this joint memorial will be voiced by all the States affected by the present public-land policy of the United States Government.

BIRNEY H. SAGE,
President of the Senate.
MARTIN L. PRATT,
Speaker of the House.

Approved February 21, 1913, at 12 m.

JOSEPH M. CAREY, *Governor.*

Mr. CLARK of Wyoming. I present a joint memorial of the Legislature of the State of Wyoming, which I ask may be printed in the RECORD and referred to the Committee on Public Lands.

There being no objection, the memorial was referred to the Committee on Public Lands and ordered to be printed in the RECORD, as follows:

THE STATE OF WYOMING,
OFFICE OF THE SECRETARY OF STATE.

UNITED STATES OF AMERICA,
State of Wyoming, ss:

I, Frank L. Houx, secretary of state of the State of Wyoming, do hereby certify that the following and hereto attached copy of enrolled joint memorial No. 6, House of Representatives, State of Wyoming, has been carefully compared with the original filed in this office on the 21st day of February, A. D. 1913, and is a full, true, and correct copy of the same and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of Wyoming.

Done at Cheyenne, the capital, this 22d day of February, A. D. 1913.

[SEAL.]

FRANK L. HOUX,
Secretary of State,
By F. H. WESCOTT,
Deputy.

Original house joint memorial 8. Twelfth Legislature of the State of Wyoming.

Enrolled joint memorial 6, House of Representatives, State of Wyoming.

Memorial to the Senate and House of Representatives of the United States requesting Congress to set aside certain lands for grazing purposes for the aid, protection, and relief of homesteaders and residents of the Old Fort Bridger Military Reservation, and those adjacent thereto.

Be it resolved by the House of Representatives of the State of Wyoming (the senate concurring), That the Congress of the United States be memorialized as follows:

Whereas it appears that the unoccupied portion of the hereinafter-described territory in the county of Uinta, in the State of Wyoming, is best adapted for range and grazing purposes and stock raising; and

Whereas it appears that the rights of the homesteaders and residents of the aforesaid section have been infringed and intruded upon by nomadic bands and flocks of stock and other stock driven thereon by nonresidents of this section; and

Whereas the homesteaders and residents have been made to suffer and the principal industry of the aforesaid people has been greatly affected and retarded thereby; and

Whereas it appears necessary that some protection be given these people in the way of classification of range for sheep and cattle against such nomadic bands and flocks and the encroachment and imposition of those living at a distance from this section, and in other States, that life and property may be preserved and the agricultural and stock industries may be encouraged and improved;

Whereas it is necessary for the said farmers and ranchmen to feed the greater part of their produce to stock on account of the long distance from markets and railroads, and inasmuch as the said ranches and farms are small and no forest reserve accessible, whereby protection on the range can be secured: Therefore be it

Resolved by the house of representatives (the senate concurring). That we do hereby memorialize Congress that the following-described territory not now occupied or which may not hereafter become occupied under the general land laws of the United States, be set aside or leased by the Government to the aforesaid homesteaders and ranchmen of this section, for the exclusive use of the residents therein or adjacent thereto: Beginning at the northeast corner of the original Fort Bridger Military Reservation; thence westerly along the north line of the said Fort Bridger Military Reserve to the northwest corner of said reserve; thence southerly along the line of the said reserve to the southwest corner of said reserve; thence easterly along the south line of the said original reserve to its intersection with the east line of range 116 west of the sixth principal meridian; thence south on the range line between ranges 116 and 115 west of the sixth principal meridian to its intersection with the south line of the State of Wyoming; thence east along the south boundary of the State of Wyoming to its intersection with the east line of Uinta County; thence north along the east line of Uinta County to its intersection with the north line of township 14 north; thence west along the north line of township 14 north to its intersection with the east line of aforesaid original Fort Bridger Military Reserve; thence northerly along the east line of the said reserve to the northeast corner of the said reserve to place of beginning.

Resolved, That certified copies of this memorial be sent to the Senators and Representatives in Congress from the State of Wyoming.

BIRNEY H. SAGE,
President of the Senate.
MARTIN L. PRATT,
Speaker of the House.

Approved, February 21, 1913, at 12 m.

JOSEPH M. CAREY, *Governor.*

Mr. CLARK of Wyoming. I present a joint memorial of the Legislature of the State of Wyoming, which I ask may be printed in the RECORD and referred to the Committee on Public Lands.

There being no objection, the memorial was referred to the Committee on Public Lands and ordered to be printed in the RECORD, as follows:

THE STATE OF WYOMING,
OFFICE OF THE SECRETARY OF STATE.

UNITED STATES OF AMERICA,
State of Wyoming, ss.:

I, Frank L. Houx, secretary of state of the State of Wyoming, do hereby certify that the following and hereto attached copy of enrolled joint memorial No. 3, Senate, State of Wyoming, has been carefully compared with the original filed in this office on the 21st day of February, A. D. 1913, and is a full, true, and correct copy of the same and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of Wyoming.

Done at Cheyenne, the capital, this 22d day of February, A. D. 1913.

[SEAL.]

FRANK L. HOUX,
Secretary of State,
By F. H. WESTCOTT,
Deputy.

Original senate joint memorial 4. Twelfth Legislature of the State of Wyoming.

Enrolled joint memorial 3, Senate, State of Wyoming.

Memorial to the Senate and House of Representatives of the United States of America in Congress assembled, regarding damage done Cody municipal water supply by the construction of certain public works.

Be it resolved by the Senate of the State of Wyoming (the House of Representatives concurring), That—

Whereas on evidence duly presented to the Legislature of the State of Wyoming it appears to this body that the Reclamation Service of the Department of the Interior has, in its operations under the Shoshone project in this State, by the construction of the Cody dam in the Shoshone River above the town of Cody, destroyed the efficiency of the supply of water of the said town of Cody, county of Park, State of Wyoming, by polluting the source of supply of the said town, rendering the water so inefficient in quantity and impure in quality as to be detrimental to the health of the citizens of the said town of Cody and in such condition as to be unfit for any domestic use: Therefore be it

Resolved, That the Congress of the United States be memorialized to direct the Secretary of the Interior to investigate the conditions of the

water supply of the town of Cody and to take such measures as will place the water supply of the town of Cody in as good condition as it was before the construction of the Cody dam by taking said supply around said works. Be it further

Resolved, That a copy of this memorial be sent to the Hon. FRANCIS E. WARREN, the Hon. CLARENCE D. CLARK, and the Hon. FRANK W. MONDELL, Representatives in Congress from the State of Wyoming.

BIRNEY H. SAGE,
President of the Senate.
MARTIN L. PRATT,
Speaker of the House.

Approved, February 21, 1913, at 11.42 a. m.

JOSEPH M. CAREY, *Governor.*

REPORTS OF COMMITTEES.

Mr. MARTIN of Virginia, from the Committee on Commerce, to which were referred the following bills, reported them each with an amendment and submitted reports thereon:

S. 8565. A bill to authorize the Virginia & Carolina Southern Railroad Co. to construct a bridge across the Lumber River at or near the town of Lumberton, N. C. (Rept. No. 1311); and

S. 8443. A bill to authorize the St. Louis-Kansas City Electric Railway Co. to construct a bridge across the Missouri River at or near the town of Weldon Springs Landing, Mo. (Rept. No. 1312).

He also, from the same committee, to which was referred the bill (S. 8310) to authorize the construction of a bridge across the Pend Oreille River opposite the town of Newport, Wash., reported it with amendments and submitted a report (No. 1313) thereon.

Mr. WILLIAMS, from the Committee on Military Affairs, to which was referred the bill (S. 7158) to remove the charge of desertion from the military record of Porter Loumis, submitted an adverse report (No. 1314) thereon, which was agreed to, and the bill was postponed indefinitely.

Mr. CLAPP, from the Committee on Privileges and Elections, reported an amendment proposing to pay G. B. Spaulding $500, F. A. Johnson $500, and J. A. Preston $370 for services rendered to the Committee on Privileges and Elections making investigation of the amount of money paid to national and congressional campaign committees of all political parties, etc., intended to be proposed to the general deficiency appropriation bill, and moved that it be referred to the Committee on Appropriations and printed, which was agreed to.

Mr. BRANDEGEE, from the Committee on the Judiciary, to which was referred the bill (S. 2890) for the establishment of a probation system in the United States courts, except in the District of Columbia, reported it with an amendment and submitted a report (No. 1316) thereon.

He also, from the same committee, to which was referred the bill (H. R. 25780) to amend section 3186 of the Revised Statutes of the United States, reported it with amendments and submitted a report (No. 1315) thereon.

Mr. DIXON, from the Committee on Military Affairs, to which was referred the bill (S. 7854) for the relief of John H. Fesenmeyer, alias John Wills, reported it without amendment and submitted a report (No. 1318) thereon.

PENSION APPROPRIATION BILL.

Mr. McCUMBER. From the Committee on Pensions I report back favorably with an amendment the bill (H. R. 28730) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1914, and for other purposes, and I submit a report (No. 1310) thereon. I ask for the present consideration of the bill.

Mr. BRISTOW. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Kansas suggests the absence of a quorum. The roll will be called.

The Secretary called the roll and the following Senators answered to their names:

Ashurst	Crawford	Kenyon	Pittman
Borah	Cullom	Lea	Sheppard
Bradley	Curtis	McCumber	Smith, Ga.
Brady	Dillingham	Martin, Va.	Smith, Mich.
Bristow	Fletcher	Martine, N. J.	Smoot
Brown	Foster	Myers	Stone
Bryan	Gallinger	Nelson	Swanson
Burnham	Gamble	Newlands	Thornton
Burton	Gardner	Oliver	Watson
Catron	Johnston, Ala.	Page	Wetmore
Chamberlain	Jones	Percy	
Clapp	Kavanaugh	Perkins	

Mr. JONES. I wish to state that the Senator from Michigan [Mr. TOWNSEND] is detained from the Chamber by a committee meeting.

The PRESIDENT pro tempore. Forty-six Senators have answered to their names—not a quorum. The roll of the absentees will be called.

The Secretary proceeded to call the names of absent Senators, when Mr. BANKHEAD, Mr. SMITH of South Carolina, Mr. WILLIAMS, Mr. CLARK of Wyoming, Mr. SUTHERLAND, Mr. FALL, Mr. TILLMAN, Mr. HITCHCOCK, Mr. LODGE, and Mr. CUMMINS entered the Chamber and answered to their names.

The PRESIDENT pro tempore. Fifty-six Senators have answered to their names. A quorum of the Senate is present. The Senator from North Dakota reports from the Committee on Pensions a bill, for which he asks present consideration. The bill will be read for the information of the Senate.

The Secretary read the bill (H. R. 28730) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1914, and for other purposes, as follows:

Be it enacted, etc., That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the payment of pensions for the fiscal year ending June 30, 1914, and for other purposes, namely:

For Army and Navy pensions, as follows: For invalids, widows, minor children, and dependent relatives, Army nurses, and all other pensioners who are now borne on the rolls, or who may hereafter be placed thereon, under the provisions of any and all acts of Congress, $180,000,000: *Provided*, That the appropriation aforesaid for Navy pensions shall be paid from the income of the Navy pension fund, so far as the same shall be sufficient for that purpose: *Provided further*, That the amount expended under each of the above items shall be accounted for separately.

For fees and expenses of examining surgons, pensions, for services rendered within the fiscal year 1914, $300,000.

That $12,000, or so much thereof as may be necessary, out of the appropriation for clerk hire and other services contained in the act making appropriations for invalid and other pensions for the fiscal year ending June 30, 1913, is made available for postage on foreign mail, purchase and repair of furniture, filing cabinets, adding machines, addressing machines, typewriters, check signing machines, and other labor-saving devices for the use of the disbursing office, Bureau of Pensions.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill? The Chair hears none, and it is before the Senate as in Committee of the Whole.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment of the Committee on Pensions was to add at the end of the bill the following:

The unexpended balance of $8,182.55, or so much thereof as may be necessary, of the appropriation for clerk hire and other services, pension agencies, made in the act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1912, and for other purposes, is hereby reappropriated and made available for the payment of traveling and other expenses incident to the transfer of clerks of the various pension agencies to Washington, D. C.

The PRESIDENT pro tempore. Without objection——

Mr. BRYAN. Mr. President, I have no objection to the bill without the amendment. If the chairman of the committee will allow it to be passed in that shape, I shall urge no objection. If he insists upon the amendment, I do object.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the committee.

Mr. BRYAN. I object to the present consideration of the bill, if the Senator from North Dakota insists upon that amendment.

The PRESIDENT pro tempore. Unanimous consent has already been given for the consideration of the bill.

Mr. BRYAN. I was standing on the floor to object unless the chairman of the committee would limit it simply to the bill as it passed the House, without the amendment, which is designed to pay the traveling expenses of men to come to Washington to get a position. I have no disposition to object to the appropriation bill itself.

Mr. McCUMBER. Mr. President, let me explain to the Senator from Florida that we appropriated last year for certain clerk hire. There is a balance of something like $8,000 of that appropriation that will be left over because not used.

We also abolished the agencies. In abolishing the agencies it was necessary to bring some of the clerks to Washington. They are Government clerks. It has always been customary in transferring a clerk from another section of the country to one of the departments here that the traveling expenses of the person transferred be paid by the Government, because the Government sends the clerk from one place to another. They are clerks under the civil service, and, no appropriation having been made, the department has recommended that the $8,000 be used, which will be sufficient, and more than sufficient, for that purpose. The amendment was put in for the purpose of making that transfer.

Mr. BRYAN. I desire to ask the chairman of the committee if it is not true that this amendment was put on by the committee? In other words, is it not a fact that the provision did not come from the House and we are proposing to amend the bill as it passed the House?

Mr. McCUMBER. Yes; I incorrectly stated that it had been put on by the House.

Mr. BRYAN. And it is to provide for the pay of clerks to come to Washington to get a position.

Mr. McCUMBER. No; the Senator is mistaken.

Mr. BRYAN. They have been legislated out of the service at these agencies.

I will say to the Senator I will not object to the passage of the appropriation bill, but I do object to tacking on that bill an appropriation to pay the expenses of men to come here to get positions. It is not material to me whether it is customary or not.

Mr. McCUMBER. Mr. President, the case is not that of persons coming here to obtain positions, but they are clerks already in the department who have been holding their clerkships for years. They were transferred, pursuant to a law which we passed last year, from the various pension agencies to the city of Washington, upon the abolition of the pension agencies. It is always customary for the Government to pay all the expenses of traveling for clerks in being transferred, just the same as though the department would send a clerk from the General Land Office to a local land office in a State. In such cases the traveling expenses are paid by the Government. The amount appropriated is only about $8,000, and I presume that less than half of that amount will be necessary.

Mr. STONE. Mr. President, I should like to make a brief observation in this connection. I dislike always very much to differ with my friend from Florida [Mr. BRYAN], and I rarely do, but I think the position taken by the Senator from North Dakota [Mr. McCUMBER] is more nearly correct as a matter of absolute right. Let me give an illustration to my friend from Florida. Recently the Treasury Department here issued an order transferring a certain number of clerks who had been employed in the different subtreasuries in distribution work, which is, of course, in a large sense the most important work done by the subtreasuries. It was thought best to concentrate that work at the Treasury Department here. I happen to know that at the subtreasury of St. Louis—and I desire the attention of my friend from Florida on this, because he is a fair man, and I am sure he has not any mere pride of opinion about a thing where absolute justice is involved; I am asking his attention to a statement of fact—I know that in the city of St. Louis at the subtreasury and at some other subtreasuries, a number of clerks, some four or five, from the St. Louis subtreasury were ordered to report at Washington to take up here, in the Treasury Building or the department itself, the line of work they were doing there, that work having been withdrawn from the subtreasuries and concentrated here at Washington. These clerks are drawing salaries of from $1,000 to $1,400 per annum. I happen to know two of them, who have recently conferred with me respecting this matter, when I was in St. Louis. One has a family, a wife, I think, and three or four children; the other a family of a wife and a less number of children. To transfer those workmen, receiving this low rate of compensation, from twelve to fourteen hundred dollars per annum, to Washington, and incurring necessarily the expense of transporting their families and all expenses incident to breaking up and removing their families, and not to pay the bare traveling expenses of the clerk himself, to relieve his embarrassment to that extent, it seems to me would be to work an injustice on those men. I think those expenses ought to be paid.

Mr. LODGE. Mr. President, on that point——

The PRESIDENT pro tempore. Does the Senator from Florida yield to the Senator from Massachusetts?

Mr. BRYAN. Certainly.

Mr. LODGE. The pension agencies have been abandoned in the various cities. There was one in the city of Boston, which has been abandoned, as have others in various cities of the country. These clerks are not coming here seeking positions; they had their positions, and had them under the civil service. Many of them have been in those agencies for years. They are now compelled by the Government to give up their homes, their establishments, wherever they may happen to be—in Concord, or Boston, or Chicago—and they are ordered here. It is through no fault of theirs, and, as I have said, they are not coming here to get the benefit of positions; they are obliged to come here by the Government; and it seems to me a very small thing for these men who, as the Senator from Missouri [Mr. STONE] has stated, have in many cases families to support, who have been receiving low pay, and are now compelled to break up their homes and come here, making all the changes and incurring all the expenses incident to such removal, not to be allowed their traveling expenses when they are coming here on Government business. It seems to me it is a very small matter.

Mr. BRYAN. I asked the Senator from Massachusetts the question, because I have not understood that all these people are under the civil service.

Mr. LODGE. They all are under the civil service in the Boston office. I know that.

Mr. BRYAN. I do not think they are.

Mr. CURTIS. Mr. President——

Mr. BRYAN. Just one moment. I understand that these men were employed at the agencies. There were men here to take those places in the department, but those 18 agencies having been abolished, it was decided to allow preference here at the bureau to the civil-service employees in the agencies. If they are in the civil service and would remain in the civil service, regardless of the repeal of the law allowing the existence of these useless pension agencies, I would not object; but, as I understand, they are in the same condition as a man who starts out to seek Government employment, and certainly——

Mr. LODGE. Not at all.

Mr. BRYAN. Certainly they do not ask to have their way paid to Washington. They are very glad to come here; they find the way easy, and not very distant.

Mr. LODGE. Mr. President, those clerks have been under the civil service for years, and I do not think——

Mr. BRYAN. If the Senator from Massachusetts will say all of them are under the civil service——

Mr. LODGE. Every one is, so far as I know.

Mr. BRYAN. Or will limit the amendment to those in the civil service——

Mr. LODGE. They were covered into the civil service years ago. There is not a place in that office, unless it may be that of a laborer, which is not under the civil service now—not one. They could not be brought here and placed in the Pension Office, unless they were in the civil service.

Mr. STONE. I will say to my friend that I know that, so far as the people in the subtreasuries are concerned——

Mr. LODGE. They were covered into the civil service years ago. There is not a place in that office, unless it may be that of a laborer, which is not under the civil service. As I have said, they could not be brought here and assigned to duty unless they were.

Mr. STONE. I will say to my friend that I know that, so far as the employees in the subtreasuries are concerned, they are not involved here.

Mr. LODGE. We are not discussing the subtreasury employees.

Mr. STONE. But they are, I know, under the civil service.

Mr. CURTIS. Mr. President——

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

Mr. BRYAN. Yes, sir.

Mr. CURTIS. I want to say to the Senator from Florida that all of these employees are under the civil service. I know that fact, because 32 of them come from the city of Topeka, and I had occasion to investigate the subject. More than that, they draw a salary on an average of only $900 a year, while the clerks in the department in this city draw a salary of $1,200 a year. Money is saved by bringing those clerks here.

Mr. BRYAN. I am glad to hear the Senator say that, because he argued a year ago that money would be saved by allowing these 17 agencies to be continued.

Mr. CURTIS. I said so because those men were drawing $900 on an average, where they were employed as clerks, whilst the clerks here were drawing salaries on an average of $1,200 a year. So I still maintain that money would have been saved if the various agencies had been permitted to continue in existence.

Mr. BRYAN. So it has developed that by the abolishment of these agencies there has been an increase of salary of about $300 a year in each case, and in addition to that we pay the traveling expenses of the clerks transferred to Washington.

But, Mr. President, I can not resist the appeal from so many friends, and I realize that the Senate will pass this bill in any event whenever it gets to a vote on it. While I am not opposed to the bill, I think we have made increases in the appropriations by independent acts, and it is the duty of Congress to make the appropriations. I had hoped that the bill would be limited simply to appropriations for the payment of pensions, and that amendments designed to increase salaries and to pay expenses of men to come to Washington to get a job would not be placed upon the bill. In view, however, of the appeals that have been made to me, I withdraw the objection.

The PRESIDENT pro tempore. The question is on the amendment——

Mr. SMITH of Georgia. Mr. President, I desire to ask the chairman of the committee if he will not explain to us just how much this bill carries and what it is for before it is disposed of. It is very difficult to grasp it by simply listening to the reading of the bill, and if the Senator from North Dakota will explain it before we vote upon it some of us would feel under obligation to him, I am sure.

Mr. McCUMBER. The bill is very simple. The appropriation carried by it is $180,000,000, to cover all pensions of every character. The appropriation of a year ago was, as the Senator will remember, about $164,000,000. The last estimate of the department we had for this year was about $185,000,000; but after they had made their estimate the Government provided for 300 additional clerks, to hurry the settlement of claims under the act of May 11, 1912. The result of that was that the cases have been adjudicated very much more rapidly, which has made a considerable additional amount necessary for this year. It made, I would say, really about $15,000,000 more for the year ending June 30, 1913; but that $15,000,000 is carried in the deficiency bill. So this bill calls for $5,000,000 less than the estimate made by the department.

Again, it is proper to state that the estimate of the department was based upon the assumption that 71.6 per cent of the soldiers who would be entitled to the benefits of the act of May 11, 1912, had served one year or over, while the tabulations so far, on the settlement of over 250,000 cases, bring that 71.6 per cent up to something over 74 per cent as the number who served more than one year. That will increase to a small extent the estimate of the department; but the main increase above the estimate for the two years is due to the fact that we have expedited the consideration of the claims under the act of May 11, 1912, furnishing the 300 extra clerks for that purpose, so that a great many more claims were acted on during the year 1913 than it was expected would be considered.

Mr. LODGE. The bill carries $180,000,000?

Mr. McCUMBER. $180,000,000.

Mr. BRYAN. Mr. President——

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

Mr. McCUMBER. Certainly.

Mr. BRYAN. Of course, the Senator understands that if the Crago bill should be enacted it would increase the appropriation for 1914 more than $7,000,000 over the $180,000,000 carried by this bill?

Mr. McCUMBER. That would be true if that bill should be passed.

Mr. SMITH of Georgia. Mr. President, I should like to ask the Senator whether the $15,000,000 that are to be carried in an additional bill will be added to the $180,000,000, making the appropriation $195,000,000?

Mr. McCUMBER. No; the $15,000,000 to be carried in the deficiency bill is for the year ending June 30, 1913, while the $180,000,000 appropriation is for the year ending June 30, 1914. There is, I think, a deficiency of about $13,000,000.

Mr. SMITH of Georgia. It will, therefore, make the average about $180,000,000?

Mr. McCUMBER. Well, it is $180,000,000 for the year ending June 30, 1914. We will have to add $15,000,000 to the $164,000,000 appropriated for the current fiscal year, which will make about $175,000,000 for the year ending June 30, 1913.

Mr. SMITH of Georgia. One hundred and seventy-nine million dollars.

Mr. BRYAN. Add $15,000,000 to $164,500,000, and it makes $179,500,000.

Mr. McCUMBER. Yes.

Mr. SMITH of Georgia. Then, Mr. President, will the Senator give the Senate about what is the increase of the pension-roll payment as the result of the legislation passed at the last session? That was the exact fact I was anxious to bring out.

Mr. McCUMBER. From $152,500,000 to about $180,000,000.

Mr. SMITH of Georgia. About $27,500,000, then, was the increase?

Mr. McCUMBER. Yes.

The PRESIDENT pro tempore. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

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

The bill was read the third time and passed.

PRINTING OF TARIFF HEARINGS.

Mr. SMOOT. From the Committee on Printing I report back favorably, with an amendment, House concurrent resolution 71, providing for printing 2,500 copies of the tariff hearings before the Committee on Ways and Means of the House of Representatives since the 6th day of January last, and I ask for its immediate consideration.

The Senate, by unanimous consent, proceeded to consider the concurrent resolution.

The amendment was, in line 2, after the word "bound," to insert the words "in buckram," so as to make the concurrent resolution read:

Resolved by the House of Representatives (the Senate concurring), That there be printed and bound in buckram 2,500 copies of tariff hearings before the Committee on Ways and Means of the House of Representatives since the 6th day of January last, 1,700 copies for the use of the House and 800 copies for the use of the Senate.

The amendment was agreed to.

The concurrent resolution as amended was agreed to.

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. MARTINE of New Jersey:

A bill (S. 8578) providing that certain professors at the United States Naval Academy shall be commissioned as professors of mathematics with the rank of lieutenant commander (with accompanying papers); to the Committee on Naval Affairs.

By Mr. SMITH of Michigan:

A bill (S. 8579) granting a pension to Margaret A. Wiles; and

A bill (S. 8580) granting a pension to Mary A. Solter (with accompanying paper); to the Committee on Pensions.

By Mr. BURTON:

A joint resolution (S. J. Res. 163) amending and extending the operation of the act for the control and regulation of the waters of Niagara River, for the preservation of Niagara Falls, and for other purposes; to the Committee on Foreign Relations.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. STONE submitted an amendment proposing to appropriate $47,550 for one additional mail lift and one combination freight and passenger elevator, and for additions to mail apparatus and other improvements at the new city post office at St. Louis, Mo., intended to be proposed by him to the omnibus public buildings bill, which was ordered to lie on the table and be printed.

Mr. JACKSON submitted an amendment authorizing the President to appoint Worthington Goldsborough upon the retired list of the Navy, with the grade of rear admiral of the lower number, from October 9, 1899, etc., intended to be proposed by him to the naval appropriation bill, which was referred to the Committee on Naval Affairs and ordered to be printed.

Mr. BANKHEAD submitted an amendment proposing to appropriate $3,653.05 to pay Rittenhouse Moore, being the amount stated and claimed by him for overwidth dredging in the Potomac River below Washington, D. C., intended to be proposed by him to the sundry civil appropriation bill, which, with the accompanying paper, was referred to the Committee on Appropriations.

Mr. WATSON submitted an amendment proposing to appropriate $50,000 for a United States post-office building at Keyser, W. Va., intended to be proposed by him to the omnibus public buildings bill, which was ordered to lie on the table and be printed.

Mr. CLAPP submitted an amendment authorizing the Auditor for the Navy Department to credit to the account of Pay Director John N. Speel, United States Navy, $263.54, on account of an advance made by him to Paymaster's Clerk Edward V. Lee, United States Navy, etc., intended to be proposed by him to the naval appropriation bill, which was ordered to be printed and, with the accompanying paper, referred to the Committee on Naval Affairs.

Mr. SHEPPARD submitted an amendment proposing to appropriate $6,850 for expenses of delegates to be designated by the President to the Fourteenth International Congress on Alcoholism at Milan, Italy, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Education and Labor and ordered to be printed.

Mr. GALLINGER submitted an amendment proposing to increase the number of topographic and hydrographic draftsmen at $2,400 each in the Coast and Geodetic Survey from two to three, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

CHICKASAW AND CHOCTAW INDIAN CLAIMS.

Mr. GORE submitted the following resolution (S. Res. 476), which was read, considered by unanimous consent, and agreed to:

Resolved, That the President be requested, if not incompatible with the public interest, to cause to be transmitted to the Senate copies of all letters, telegrams, reports, opinions, and other documents on file in either the Department of the Interior or the Department of Justice

in relation to any contract or claims for fees or compensation on the part of the firm of Mansfield, McMurray & Cornish, or any member thereof, against the Chickasaw and Choctaw Tribes of Indians, which claims are alleged to be due and unpaid and are now pending before the President or any department of the Government; and,

Second. To transmit like copies of all such letters, telegrams, reports, opinions, and other documents in relation to any claim on the part of the Chickasaw and Choctaw Tribes of Indians against the firm of Mansfield, McMurray & Cornish, or any member thereof.

Resolved further, That the President be requested to withhold action on any and all said claims until further action by the Congress or by the courts.

PROPOSED FINANCIAL INVESTIGATION.

Mr. PENROSE submitted the following resolution (S. Res. 477), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Finance be, and they are hereby, authorized and directed, by subcommittee or otherwise, to make investigations into internal revenue, customs, currency, and coinage matters, and to compile and prepare statistics and documents relating thereto as directed from time to time by the Senate and as may be necessary, and to report from time to time to the Senate the result thereof; and for this purpose they are authorized to sit, by subcommittee or otherwise, during the recess or sessions of the Senate during the Sixty-third Congress at such times and places as they may deem advisable, to send for persons and papers, to administer oaths, and to employ such stenographic, clerical, and other assistance as may be necessary, the expense of such investigation to be paid from the contingent fund of the Senate; and the committee is authorized to order such printing and binding as may be necessary for its use.

EXPENSE OF DISTRIBUTION OF SEEDS.

Mr. SMOOT. Mr. President, on February 19 the President of the Senate handed down a letter from the Secretary of Agriculture transmitting, in response to a resolution of the 18th instant, a statement showing the estimated cost of the purchase and distribution of seeds and plants for congressional distribution for the four years from 1909 to 1913, inclusive, and it was ordered printed. The Secretary of Agriculture inclosed a copy of a recent publication and made it a part of his report. While that publication is already in print, and has a great many illustrations, I have spoken to the Senator from Iowa [Mr. KENYON] in relation to it, and he does not feel that it is necessary to publish it. I therefore ask that it be eliminated from the report of the Secretary which was ordered printed.

Mr. KENYON. I do not care about the publication at all. The figures sent by the Secretary of Agriculture are what I should like to have printed.

Mr. SMOOT. Yes; we will print them, with the exception of the bulletin from the Agriculture Department.

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

POST OFFICE AT BRISTOL, VA.

Mr. SMOOT. Mr. President, there has been presented to the Senate a letter from the Postmaster General transmitting, in response to a resolution of the 19th instant, information relative to the establishment of the post office at Bristol, Va., and in the transmission of that letter the Postmaster General submitted a map. I ask that an order be made that the map be printed in connection with the letter of transmittal.

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

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had approved and signed the following acts:

On February 25, 1913:

S. 4681. An act to authorize and require an extension of the street railway lines of the Washington Railway & Electric Co., and for other purposes;

S. 8089. An act permitting the building of a railroad bridge across the Yellowstone River, from a point on the east bank in section 15 to a point on the west bank in section 16, township 151 north, of range 104 west, of the fifth principal meridian, in McKenzie County, N. Dak.;

S. 8090. An act permitting the building of a railroad bridge across the Missouri River from a point on the east bank in section 14, Mountrail County, N. Dak. to a point on the west bank of said river in section 15, in McKenzie County, N. Dak., in township 152 north, range 93 west, of the fifth principal meridian; and

S. 1589. An act to authorize the exchange of conveyances between the Florida East Coast Railway Co. and the United States.

REFERENCE OF TREATIES.

Mr. CULLOM. I desire to make a motion as in executive session for the reference of a treaty that has been sent to the Senate. I ask that it be referred to the Committee on Foreign Relations and printed in confidence.

The PRESIDENT pro tempore. Without objection, that order will be made.

Mr. LODGE. I ask, as in executive session, that the treaty which has just come in with a message from the President may be referred to the Committee on Foreign Relations.

The PRESIDENT pro tempore. Without objection, the treaty will be so referred.

COL. WILLIAM C. GORGAS AND OTHERS.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the joint resolution (H. J. Res. 365) to permit Col. William C. Gorgas and certain other officers of the Medical Corps and certain officers of the Engineer Corps of the Army to accept service under the Republic of Ecuador, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. DU PONT. I move that the Senate insist upon its amendment, agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the President pro tempore appointed Mr. DU PONT, Mr. DIXON, and Mr. JOHNSTON of Alabama conferees on the part of the Senate.

MISSISSIPPI RIVER BRIDGE AT KEOKUK, IOWA.

Mr. CULLOM. I ask unanimous consent for the present consideration of Order of Business 1020, Senate bill 8182, granting to the Inter City Bridge Co., its successors and assigns, the right to construct, acquire, maintain, and operate a railway bridge across the Mississippi River.

The PRESIDENT pro tempore. The Senator from Illinois asks unanimous consent for the present consideration of a bill which will be read for the information of the Senate.

The Secretary read the bill.

Mr. CULLOM. I offer an amendment which the Senator from Iowa [Mr. CUMMINS] presented, and which I accept.

Mr. BURTON. I should like to inquire what that is.

Mr. CULLOM. It is a bridge bill.

Mr. BURTON. Is it of a general nature, or does it pertain to one bridge only?

Mr. CULLOM. It pertains to one bridge only.

Mr. BURTON. What is the locality of it?

Mr. CULLOM. The locality of it is the locality of the dam on the Mississippi River. If the Senator will permit the amendment to be read, he will know what it is.

Mr. CUMMINS. I have an amendment which I desire to propose to the bill when it is before the Senate.

Mr. CULLOM. I offered the amendment which was presented by the Senator from Iowa.

The PRESIDENT pro tempore. The Senator from Illinois offers an amendment to the bill, which will be stated.

The SECRETARY. At the end of section 1, it is proposed to insert the following:

Provided, That this act shall not become effective until there is filed with the Secretary of War an agreement between the Inter-City Bridge Co. and the Mississippi River Power Co. showing the consent of the latter for use of the dam for bridge purposes, the terms upon which such use is permitted, and relieving the United States from all responsibility on account of such use: *And provided further*, That this act shall not be construed to change in any respect the control of the United States over said dam and its right to regulate the operation thereof, and the charges for power generated thereby.

Mr. SMITH of Georgia. Mr. President, before unanimous consent is given, I should like to hear the bill read.

The PRESIDENT pro tempore. The bill will be again read.

The Secretary again read the bill.

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

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

The PRESIDENT pro tempore. The question is upon the amendment submitted by the Senator from Illinois.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

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

DEPARTMENT OF LABOR.

Mr. BORAH. Mr. President, it seems that possibly there has been an error in the print on the face of the calendar with reference to the unanimous-consent agreement in regard to the bill providing for a department of labor. I call attention to it at

this time in order that we may not have a misunderstanding about it during the day.

The calendar says:

It is agreed by unanimous consent that on Tuesday, February 25, 1913, immediately upon the conclusion of the routine morning business, the Senate will proceed to the consideration of the bill (H. R. 22913) to create a department of labor, and that at not later than 3 o'clock p. m. on that day the Senate will proceed, without further debate, to vote upon any amendment that may be pending, any amendments 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 or conference reports.

I think, so far as fixing the hour is concerned, that is an error.

The PRESIDENT pro tempore. The Chair is informed that that is an error, and it will be stricken from the agreement.

Mr. BORAH. It should be changed to read "during the calendar day."

Mr. WARREN. The Senator will be willing to have it come up later in the day?

Mr. BORAH. Certainly. I call attention to the matter at this time, so as not to lose my right to go on with it after 3 o'clock.

Mr. GRONNA. Was it not also the agreement that the bill should not displace appropriation bills?

Mr. BORAH. It was.

INDIAN APPROPRIATION BILL.

Mr. GAMBLE. Mr. President, I move that the Senate proceed to the consideration of Order of Business 1071, House bill 26874, making appropriations for the current and contingent expenses of the Bureau of Indian Affairs for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1914.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. GAMBLE. I ask unanimous consent that the formal reading of the bill be dispensed with; that it be read for amendments; and that the committee amendments be first considered.

The PRESIDENT pro tempore. The Senator from South Dakota moves that the formal reading of the bill be dispensed with; that it be read for amendments; and that the committee amendments be first considered.

The motion was agreed to.

INTERLOCUTORY INJUNCTIONS.

Mr. CRAWFORD. Mr. President, I do not wish to interfere with the consideration of this appropriation bill, but I had hoped that I might get unanimous consent to consider a bill that I do not think will provoke any discussion, and concerning which the legislature of my State has memorialized Congress.

The PRESIDENT pro tempore. Does the Senator from South Dakota yield to his colleague?

Mr. GAMBLE. I will yield, but only for this bill, and on condition that it will not provoke any discussion, in which event I should have to object.

Mr. CRAWFORD. Certainly; I will not insist on its consideration if it provokes discussion. It is Order of Business No. 1160, Senate bill 8439, the bill reported by the Senator from New York [Mr. ROOT] restraining the issuance of interlocutory injunctions.

The PRESIDENT pro tempore. The bill will be read for the information of the Senate.

The Secretary read the bill (S. 8439) restricting the issuance of interlocutory injunctions to suspend the enforcement of the statute of a State or an order made by an administrative board or commission created by and acting under the statute of a State.

The bill had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and insert:

That section 266 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, is hereby amended by inserting in line 4, after the words "in the enforcement or execution of such statute," the words "or in the enforcement or execution of an order made by an administrative board or commission acting under and pursuant to the statutes of such State."

At the end of section 266, as so amended, add the following:

"It is further provided that if before the final hearing of such application a suit shall have been brought in a court of the State having jurisdiction thereof under the laws of such State to enforce such statute or order, accompanied by a stay in such State court, of proceedings under such statute or order pending the determination of such suit by such State court, all proceedings in any court of the United States to restrain the execution of such statute or order shall be stayed pending the final determination of such suit in the courts of the State. Such stay may be vacated upon proof made after hearing and notice of 10 days served upon the attorney general of the State that the suit in the State courts is not being prosecuted with diligence and good faith."

So that section 266 as amended shall read as follows:

"SEC. 266. No interlocutory injunction suspending or restraining the enforcement, operation, or execution of any statute of a State by restraining the action of any officer of such State in the enforcement or execution of such statute, or in the enforcement or execution of an order made by an administrative board or commission acting under and pursuant to the statutes of such State, shall be issued or granted by any justice of the Supreme Court, or by any district court of the United States, or by any judge thereof, or by any circuit judge acting as district judge, upon the ground of the unconstitutionality of such statute, unless the application for the same shall be presented to a justice of the Supreme Court of the United States, or to a circuit or district judge, and shall be heard and determined by three judges, of whom at least one shall be a justice of the Supreme Court or a circuit judge, and the other two may be either circuit or district judges, and unless a majority of said three judges shall concur in granting such application. Whenever such application as aforesaid is presented to a justice of the Supreme Court, or to a judge, he shall immediately call to his assistance to hear and determine the application two other judges: *Provided, however*, That one of such three judges shall be a justice of the Supreme Court, or a circuit judge. Said application shall not be heard or determined before at least five days' notice of the hearing has been given to the governor and to the attorney general of the State, and to such other persons as may be defendants in the suit: *Provided*, That if of opinion that irreparable loss or damage would result to the complainant unless a temporary restraining order is granted; any justice of the Supreme Court, or any circuit or district judge, may grant such temporary restraining order at any time before such hearing and determination of the application for an interlocutory injunction, but such temporary restraining order shall remain in force only until the hearing and determination of the application for an interlocutory injunction upon notice as aforesaid. The hearing upon such application for an interlocutory injunction shall be given precedence and shall be in every way expedited and be assigned for a hearing at the earliest practicable day after the expiration of the notice hereinbefore provided for. An appeal may be taken direct to the Supreme Court of the United States from the order granting or denying, after notice and hearing, an interlocutory injunction in such case. It is further provided that if before the final hearing of such application a suit shall have been brought in a court of the State having jurisdiction thereof under the laws of such State, to enforce such statute or order, accompanied by a stay in such State court of proceedings under such statute or order pending the determination of such suit by such State court, all proceedings in any court of the United States to restrain the execution of such statute or order shall be stayed pending the final determination of such suit in the courts of the State. Such stay may be vacated upon proof made after hearing and notice of 10 days served upon the attorney general of the State that the suit in the State courts is not being prosecuted with diligence and good faith."

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill? The Chair hears none.

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

The PRESIDENT pro tempore. The question is upon the amendment reported by the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

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

Mr. WILLIAMS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from South Dakota yield to the Senator from Mississippi?

Mr. GAMBLE. For what purpose?

Mr. WILLIAMS. I wish to ask unanimous consent for the consideration of House bill——

Mr. GAMBLE. Ordinarily, I should be very glad to yield; but I gave notice that I could yield only for the one matter presented by my colleague. We must proceed with the bill.

The PRESIDENT pro tempore. The reading of the bill will be proceeded with.

Mr. POMERENE. Will the Senator object to taking up a bill about which I think there will be no contest or debate?

Mr. GAMBLE. I can not, Mr. President.

The PRESIDENT pro tempore. The reading will be proceeded with.

INDIAN APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 26874) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1914, which had been reported from the Committee on Indian Affairs with amendments.

The first amendment of the Committee on Indian Affairs was, on page 2, line 13, after the word "law," to strike out "$200,000" and insert "$250,000," so as to make the clause read:

For the survey, resurvey, classification, appraisement, and allotment of lands in severalty under the provisions of the act of February 8, 1887, entitled "An act to provide for the allotment of lands in severalty to Indians," and under any other act or acts providing for the survey and allotment of lands in severalty to Indians; and for the survey and subdivision of Indian reservations and lands to be allotted to Indians under authority of law, $250,000, to be repaid proportionately out of any Indian moneys held in trust or otherwise by the United States and available by law for such reimbursable purpose and to remain available until expended.

The amendment was agreed to.

The next amendment was, on page 2, line 22, after the word "floods," to strike out "$325,000" and insert "$349,300," so as to read:

For the construction, repair, and maintenance of ditches, reservoirs, and dams, purchase and use of irrigation tools and appliances, water rights, ditches, lands necessary for canals, pipe lines, and reservoirs for

Indian reservations and allotments, and for drainage and protection of irrigable lands from damage by floods, $349,300, to remain available until expended.

The amendment was agreed to.

The next amendment was, in the item of appropriation for the construction, repair, and maintenance of ditches, reservoirs, and dams, etc., on page 3, line 23, after the words "in all," to strike out "$335,700" and insert "$360,000," so as to make the proviso read:

Provided further, That nothing herein contained shall be construed to prohibit reasonable expenditures from the appropriation for preliminary surveys and investigations to determine the feasibility and estimated cost of new projects, for investigations and surveys for power and reservoir sites on Indian reservations in accordance with the provisions of section 13 of the act of June 25, 1910, or to prevent the Bureau of Indian Affairs from having the benefit of consultation with engineers in other branches of the public service or carrying out existing agreements with the Reclamation Service; for pay of 1 chief inspector of irrigation, who shall be a skilled irrigation engineer, $4,000; 1 assistant inspector of irrigation, who shall be a skilled irrigation engineer, $2,500; for traveling expenses of 2 inspectors of irrigation, at $3 per diem when actually employed on duty in the field, exclusive of transportation and sleeping-car fare, in lieu of all other expenses authorized by law, and for incidental expenses of negotiation, inspection, and investigation, including telegraphing and expense of going to and from the seat of government and while remaining there under orders, $4,200; in all, $360,000.

The amendment was agreed to.

The next amendment was, on page 4, after line 2, to strike out:

For the suppression of the traffic in intoxicating liquors among Indians, $75,000.

The amendment was agreed to.

The next amendment was, on page 4, after line 4, to insert:

For the suppression of the traffic in intoxicating liquors and deleterious drugs, herbs, or plants among Indians, $125,000.

The amendment was agreed to.

The next amendment was, on page 4, line 12, after the word "vaccination," to insert "and for correction of sanitary defects in Indian homes," and in line 13, after the word "homes," to strike out "$90,000" and insert "$200,000," so as to make the clause read:

To relieve distress among Indians and to provide for their care and for the prevention and treatment of tuberculosis, trachoma, smallpox, and other contagious and infectious diseases, including the purchase of vaccine and expense of vaccination, and for correction of sanitary defects in Indian homes, $200,000.

The amendment was agreed to.

The next amendment was, on page 4, after line 13, to insert:

For the construction and equipment of hospitals for the treatment of Indians suffering from tuberculosis, trachoma, and other diseases, at such places as may be designated by the Secretary of the Interior, the sum of $300,000, to be immediately available and to remain available until expended.

The amendment was agreed to.

The next amendment was, on page 4, line 21, after the word "therewith," to strike out "$1,420,000" and insert "$1,500,000," so as to read:

For support of Indian day and industrial schools not otherwise provided for and for other educational and industrial purposes in connection therewith, $1,500,000.

The amendment was agreed to.

The next amendment was, on page 5, line 7, after the word "plants," to strike out "$300,000" and insert "$480,000, to remain available until expended: *Provided*, That the Commissioner of Indian Affairs is hereby authorized to allow employees in the Indian service who are furnished quarters necessary heat and light for such quarters without charge, such heat and light to be paid for out of the fund chargeable with the cost of heating and lighting other buildings at the same place: *Provided further*, That the amount so expended for agency purposes shall not be included in the maximum amounts for compensation of employees prescribed by section 1, act of August 24, 1912," so as to make the clause read:

For construction, lease, purchase, repairs, and improvements of school and agency buildings, and for sewerage, water supply, and lighting plants, $480,000, to remain available until expended: *Provided*, That the Commissioner of Indian Affairs is hereby authorized to allow employees in the Indian service who are furnished quarters necessary heat and light for such quarters without charge, such heat and light to be paid for out of the fund chargeable with the cost of heating and lighting other buildings at the same place: *Provided further*, That the amount so expended for agency purposes shall not be included in the maximum amounts for compensation of employees prescribed by section 1, act of August 24, 1912.

The amendment was agreed to.

The next amendment was, on page 5, line 24, after the word "training," to strike out "$70,000" and insert "$82,000: *Provided*, That not to exceed $5,000 of this amount may be used in the transportation and placing of Indian youths in positions where a remunerative employment may be found for them in industrial pursuits," so as to make the clause read:

For collection and transportation of pupils to and from Indian schools, and for the transportation of Indian pupils from any and all Indian schools and placing them, with the consent of their parents, under the care and control of white families, qualified to give such pupils moral, industrial, and educational training, $82,000: *Provided*, That not to exceed $5,000 of this amount may be used in the transportation and placing of Indian youths in positions where a remunerative employment may be found for them in industrial pursuits. The provisions of this section shall also apply to native pupils of school age under 21 years of age brought from Alaska.

The amendment was agreed to.

The next amendment was, on page 6, line 19, after the word "equipments," to insert "and supplies," and in line 23, after the word "Indians," to strike out "$300,000" and insert "and for obtaining remunerative employment for Indians, including salaries and traveling expenses of employees engaged in the work, transportation of Indians to their place of employment and returning them to their homes when necessary, and other necessary expenses of conducting this work, under such regulations as the Commissioner of Indian Affairs may prescribe, $425,000," so as to read:

To conduct experiments on Indian school or agency farms designed to test the possibilities of soil and climate in the cultivation of trees, grains, vegetables, and fruits, for the purposes of preserving living and growing timber on Indian reservations and allotments, and to advise the Indians as to the proper care of forests: *Provided*, That this shall not, as to timber, apply to the Menominee Indian Reservation in Wisconsin; for the employment of suitable persons as matrons to teach Indian women housekeeping and other household duties, and for furnishing necessary equipments and supplies and renting quarters for them where necessary; for the employment of practical farmers and stockmen, in addition to the agency and school farmers now employed; and to superintend and direct farming and stock raising among Indians, and for obtaining remunerative employment for Indians, including salaries and traveling expenses of employees engaged in the work, transportation of Indians to their place of employment and returning them to their homes when necessary, and other necessary expenses of conducting this work, under such regulations as the Commissioner of Indian Affairs may prescribe, $425,000: *Provided further*, That not to exceed $5,000 of the amount herein appropriated may be used to conduct experiments on Indian school or agency farms to test the possibilities of soil and climate in the cultivation of trees, grains, vegetables, and fruits: *Provided also*, That the amounts paid to matrons, farmers, and stockmen herein provided for shall not be included within the limitation on salaries and compensation of employees contained in the act of June 7, 1897.

The amendment was agreed to.

The next amendment was, on page 7, line 18, after the word "supplies," to strike out "$285,000" and insert "$325,000: *Provided also*, That all wagon transportation from the point where delivery is made by the last common carrier to the agency, school or elsewhere, and between points on the reservation or elsewhere, shall hereafter be paid from the funds appropriated or otherwise available for the support of the school, agency, or other project for which the supplies to be transported are purchased," so as to make the clause read:

For the purchase of goods and supplies for the Indian service, including inspection, pay of necessary employees, and all other expenses connected therewith, including advertising, storage, and transportation of Indian goods and supplies, $325,000: *Provided also*, That all wagon transportation from the point where delivery is made by the last common carrier to the agency, school or elsewhere, and between points on the reservation or elsewhere, shall hereafter be paid from the funds appropriated or otherwise available for the support of the school, agency, or other project for which the supplies to be transported are purchased.

The amendment was agreed to.

The next amendment was, on page 8, line 11, after the words "Indian Commissioners," to strike out "$4,000" and insert "$10,000," so as to make the clause read:

For expenses of the Board of Indian Commissioners, $10,000, including not to exceed $300 for office rent.

The amendment was agreed to.

The next amendment was, on page 8, line 19, after the word "exist," to strike out "$8,000" and insert "$10,000," so as to make the clause read:

For compensation of judges of Indian courts where tribal relations now exist, $10,000.

Mr. KENYON. I should like to make an inquiry of the Senator having the bill in charge as to the appropriation for Indian police and for the compensation of judges of Indian courts. This is a committee amendment as to compensation of judges of Indian courts. What is the purpose of the Indian court? Has it anything to do? Has it any jurisdiction now?

Mr. GAMBLE. Yes, sir; I will say to the Senator that many minor differences and offenses are taken in charge by the Indian courts, and they are there adjusted and settled. The judges of the Indian courts are paid a nominal compensation, and it relieves the county from a good deal of burden in the different courts. So it is a matter of economy. This appropriation of $10,000 is recommended by the department, and it has been the uniform amount that has been appropriated for a long number of years.

Mr. KENYON. Will the Senator state what is the necessity for the Indian police? All the Indian reservations are broken up, I understand, and they are within organized States and counties and subject to the police jurisdiction thereof, and the Indian policeman has no jurisdiction whatever except as a mischief maker.

Mr. GAMBLE. The State officers have no jurisdiction whatever on most of the reservations, and on the reservations Indian police are provided for.

Mr. KENYON. I had in mind an instance in my own State, where an Indian policeman arrested an Indian and took him before an Indian court and to an Indian jail. As I remember the case, it went through the courts and the final decision was that both the policeman and the Indian court were entirely without jurisdiction. I wondered if the policemen do subserve any useful purpose.

Mr. GAMBLE. They do; they keep order. They are most valuable agents in keeping order on almost all the reservations, and on many reservations, as I stated, the local courts have no jurisdiction whatever. They are a great aid in keeping order and in helping the superintendents at the different agencies.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The next amendment was, on page 9, line 4, after the word "available," to strike out "$80,960" and insert "$125,000; $25,000 to be immediately available: *Provided*, That the Commissioner of Indian Affairs may expend not to exceed $1,000 of this appropriation in purchasing law books for official use in the Indian Bureau," so as to make the clause read:

For pay of special agents at $2,000 per annum; for traveling and incidental expenses of such special agents, including sleeping-car fare, and a per diem of $3 in lieu of subsistence when actually employed on duty in the field or ordered to the seat of government; for transportation and incidental expenses of officers and clerks of the Office of Indian Affairs when traveling on official duty; for pay of employees not otherwise provided for; and for other necessary expenses of the Indian service for which no other appropriation is available, $125,000; $25,000 to be immediately available: *Provided*, That the Commissioner of Indian Affairs may expend not to exceed $1,000 of this appropriation in purchasing law books for official use in the Indian Bureau.

The amendment was agreed to.

The next amendment was, on page 9, after line 7, to strike out:

For the purpose of conducting hearings and taking evidence to determine the heirs of deceased Indian allottees, pursuant to the act of June 25, 1910 (36 Stat. L., pp. 855–866), and the regulations thereunder prescribed by the Secretary of the Interior, $25,000.

And to insert:

For the purpose of conducting hearings and taking evidence to determine the heirs of deceased Indian allottees, pursuant to the act of June 25, 1910 (36 Stat. L., pp. 855–866), and the regulations thereunder prescribed by the Secretary of the Interior, $100,000: *Provided*, That $10,000 of this amount may be used for clerk hire in the Indian Bureau.

The amendment was agreed to.

The next amendment was, on page 10, after line 2, to insert:

For the purpose of encouraging industry among the Indians and to aid them in the culture of fruits, grains, and other crops, $250,000, or so much thereof as may be necessary, to be immediately available, which sum may be used for the purchase of animals, machinery, tools, implements, and other equipment necessary to enable Indians to become self-supporting: *Provided*, That said sum shall be expended under conditions to be prescribed by the Secretary of the Interior for its repayment to the United States on or before June 30, 1925, and all repayments to this fund made on or before June 30, 1924, are hereby reappropriated for the same purpose as the original fund, and the entire fund, including such repayments, shall remain available until June 30, 1924, and all repayments to the fund hereby created which shall be made subsequent to June 30, 1924, shall be covered into the Treasury and shall not be withdrawn or applied except in consequence of a subsequent appropriation made by law: *Provided further*, That the Secretary of the Interior shall submit to Congress annually on the first Monday in December a detailed report of the use of this fund.

The amendment was agreed to.

The next amendment was, on page 11, after line 4, to insert:

To pay to Frederick H. Abbott the difference between the compensation allowed by law for the Commissioner of Indian Affairs and the compensation allowed by law for the Assistant Commissioner of Indian Affairs, for services as Acting Commissioner of Indian Affairs from September 13, 1912, when the office of Commissioner of Indian Affairs was vacated, and continuing as long as the duties and responsibilities of said office of Commissioner of Indian Affairs shall devolve upon said Frederick H. Abbott as Acting Commissioner of Indian Affairs, such an amount as may be necessary, to be paid from the $5,000 appropriated for salary of the Commissioner of Indian Affairs by the act of August 23, 1912. (37 Stat. L., p. 396.)

The amendment was agreed to.

The next amendment was, under the head of "Arizona and New Mexico," on page 11, line 26, after the word "improvements," to strike out "$3,300" and insert "$3,800," and in the same line, after the words "in all," to strike out "$38,400" and insert "$38,900," so as to make the clause read:

For support and education of 200 Indian pupils at the Indian school at Fort Mojave, and for pay of superintendent, $35,100; for general repairs and improvements, $3,800; in all, $38,900.

The amendment was agreed to.

The next amendment was, on page 12, line 3, after "$119,400" to insert "for industrial building for girls, $15,000," in line 5, after the word "tanks," to strike out "$12,000" and insert "$15,000," and in the same line after the words "in all," to strike out "$131,400" and insert "$149,400," so as to make the paragraph read:

For support and education of 700 Indian pupils at the Indian school at Phoenix, Ariz., and for pay of superintendent, $119,400; for industrial building for girls, $15,000; for general repairs and improvements, including two steel water tanks, $15,000; in all, $149,400: *Provided*, That $500 of this appropriation, or so much thereof as may be necessary, shall be used in making survey and an estimate of the cost of connecting the sewer system of the Phoenix Indian School with the sewer system of the city of Phoenix, Ariz., and submit a report thereon to Congress on the first Monday in December, 1913.

The amendment was agreed to.

The next amendment was, on page 12, line 15, after the word "superintendent," to strike out "$18,200" and insert "$20,100," and in line 16, after the words "in all," to strike out "$21,200," and insert "$23,100," so as to read:

For support and education of 100 pupils at the Indian school at Truxton Canyon, Ariz., and for pay of superintendent, $20,100; for general repairs and improvements, $3,000; in all, $23,100.

The amendment was agreed to.

The next amendment was, on page 12, after line 16, to strike out:

For maintenance, care, and protection of machinery and irrigation wells already completed, in connection with the irrigation of the lands of the Pima Indians in the vicinity of Sacaton, in the Gila River Indian Reservation, $5,000.

And to insert:

For maintenance, including purchase of electricity for irrigation wells already completed, and the completion of the lateral irrigating ditches thereunder in connection with the irrigation of the lands of the Pima Indians in the vicinity of Sacaton, in the Gila River Indian Reservation, $15,000.

The amendment was agreed to.

The next amendment was, on page 13, line 3, after the word "Arizona," to strike out "$5,000" and insert "$10,000," so as to read:

For the development of a water supply for domestic and stock purposes and for irrigation for nomadic Papago Indians in Pima County, Ariz., $10,000.

The amendment was agreed to.

The next amendment was, on page 14, line 18, after "$65,300," to strike out "with interest thereon at the rate of 3 per cent per annum," and in line 24, after the word "full," to strike out ", principal and interest," so as to read:

For the construction of a bridge across the Gila River on the San Carlos Apache Indian Reservation, Ariz., $45,500; and for the construction of a bridge across the San Carlos River on said reservation in said State, $19,800, to be immediately available, said bridges to be constructed across said streams in the places and manner recommended by the Secretary of the Interior in House Document No. 1013, Sixty-second Congress, third session; in all, $65,300, which said sum of $65,300 shall be reimbursed to the United States by the Apache Indians having tribal rights on the Fort Apache and San Carlos Indian Reservations, and shall be and remain a charge and lien upon the lands, property, and funds belonging to said Apache Indians until paid in full.

The amendment was agreed to.

The next amendment was, at the top of page 15, to insert:

For the construction of a bridge across the Colorado River from School Hill, on the Yuma Indian Reservation, in the State of California, to Penitentiary Hill, in the town of Yuma, in the State of Arizona, to be expended under the direction of the Secretary of the Interior, not to exceed the sum of $25,000, in the construction of a bridge, as recommended by the Secretary of the Interior in House Document No. 1020, Sixty-second Congress, third session: *Provided*, That no part of the money herein appropriated shall be expended until the Secretary of the Interior shall have obtained from the proper authorities of the State of Arizona and the State of California satisfactory guaranties of the payment by the said States, or by the county of Yuma, in the State of Arizona, and the county of Imperial, in the State of California, of at least two-thirds of the cost of said bridge; and that the proper authorities of the said States assume full responsibility for and will at all times maintain and repair said bridge and the approaches thereto: *And provided further*, That the bridge shall be built in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Mr. CURTIS. Mr. President, I make a point of order on that amendment that it is general legislation and not proper on the appropriation bill.

Mr. ASHURST. Mr. President, before the point of order is ruled upon I should like to be heard for a few moments.

The PRESIDENT pro tempore. The Senator from Arizona will be recognized for that purpose.

Mr. ASHURST. Mr. President, this item has been estimated for, and it is not general legislation. On the Indian appropriation bill which passed the last Congress, approved August 24, 1912, the sum of $1,000 was appropriated for the purpose of authorizing the Secretary of the Interior to make an investigation as to the suitability and the necessity for this bridge. Acting upon that authorization by Congress, the Secretary of the Interior proceeded to cause an investigation to be made as to the necessity and suitability of the bridge, and a very elaborate and comprehensive report disclosing the necessity for such a

bridge was submitted to Congress within the time prescribed by law. That report has been printed, and is Document No. 1020.

Mr. CURTIS. Mr. President——

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

Mr. ASHURST. Cheerfully.

Mr. CURTIS. Is this the only way the Indians can get off or on their reservation without traveling up and down the river for many miles, as was stated?

Mr. GAMBLE. I think it is so stated in the report of the Secretary of the Interior. It comes recommended by the department.

Mr. CURTIS. I withdraw the point of order.

The PRESIDENT pro tempore. The point of order is withdrawn. Without objection, the amendment is agreed to.

The next amendment was, on page 15, after line 23, to insert:

For the purpose of enabling the Secretary of the Interior to carry into effect the provisions of the sixth article of the treaty of June 8, 1868, between the United States and the Navajo Nation or Tribe of Indians, proclaimed August 12, 1868, whereby the United States agrees to provide school facilities for the children of the Navajo Tribe of Indians, the sum of $150,000, or so much thereof as may be necessary, is hereby appropriated, out of any funds in the Treasury not otherwise appropriated. In carrying out the authority hereby conferred the said Secretary may expend said funds, in his discretion, in establishing day schools or industrial schools, tribal habits and climatic conditions being considered, suitable for the education of said Indians.

The amendment was agreed to.

The next amendment was, on page 16, after line 12, to insert:

For enlarging the irrigation system for the protection and irrigation of Indian lands within the Camp McDowell Indian Reservation, Ariz., $30,000, to be immediately available and to remain available until expended.

The amendment was agreed to.

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

For the development of a water supply for the Navajo Indians, $100,000, to be immediately available and to remain available until expended.

The amendment was agreed to.

The next amendment was, under the head of "California," on page 16, line 25, after the word "California," to strike out "$57,000" and insert "$60,000," so as to make the clause read:

For support and civilization of Indians in California, including pay of employees, and for the purchase of small tracts of land situated adjacent to lands heretofore purchased, and for improvements on lands for the use and occupancy of Indians in California, $60,000.

The amendment was agreed to.

The next amendment was, on page 17, line 1, after the words "education of," to strike out "five hundred and fifty" and insert "seven hundred"; in line 3, after the word "superintendent," to strike out "$94,350" and insert "$130,000"; and in line 14, after the words "in all," to strike out "$104,350" and insert "$140,000," so as to make the clause read:

For support and education of 700 Indian pupils at the Sherman Institute, Riverside, Cal., and for pay of superintendent, $130,000; for general repairs and improvements, $10,000; in all, $140,000.

The amendment was agreed to.

The next amendment was, on page 17, after line 10, to insert:

For support and education of 125 Indian pupils at the Fort Bidwell Indian School, Cal., and for repairs and improvements, $20,000.

The amendment was agreed to.

The next amendment was, on page 17, after line 13, to insert:

For support and education of 100 Indian pupils at the Greenville Indian School, Cal., and for repairs and improvements, $20,000; new buildings, $10,000; in all, $30,000.

The amendment was agreed to.

The next amendment was, on page 17, after line 17, to insert:

The Secretary of the Treasury is hereby authorized and directed to pay, out of any moneys in the Treasury not otherwise appropriated, the sum of $5,000 to Mrs. May Stanley, widow of Will H. Stanley, late superintendent of the Soboba Indian School in California, who lost his life in the discharge of his duty. Also to pay for medical and other necessary expenses, including funeral and administration expenses incurred in connection with the death of said Will H. Stanley and the shooting of Selso Serrano, Indian policeman, $1,000, or so much thereof as may be necessary.

Mr. CURTIS. I do not intend to make a point of order against the amendment, although it is clearly subject to it, but I wish to call the attention of the Senator having the bill in charge to the difference between the item in this bill and the allowances heretofore made.

There was a man from Kansas killed on the Panama Canal a very short time after he had arrived there, and he was killed by the fault of a Government employee. Under a law that was passed four or five years ago that man's widow was allowed only $1,200. Another man working in the War Department was injured for life, and he was allowed his salary for one year.

I do not believe it is fair to make these distinctions; I think this sum is small enough. I wished simply to make that statement to show that there are these differences, and they ought not to exist.

Mr. KENYON. Will not the Senator from Kansas explain the circumstances of this case so that we may be able to judge of it?

Mr. CURTIS. I was not at the committee meeting when this item was put into the bill and therefore I can not explain it. I am simply calling attention to the difference in treatment between people provided for in this bill and some others I happen to know about; that is all. The chairman of the committee can explain the item.

Mr. GAMBLE. This man was killed by an Indian when he was engaged in the discharge of his duties as an officer of the Government. He leaves a wife and two minor children practically without any means whatever. It was felt by the committee that some recognition should be given to this employee of the Government, and they thought that $5,000, under the circumstances, was little enough. It was estimated for by the department.

The amendment was agreed to.

The next amendment was, under the head of "Kansas," on page 19, after line 20, to insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to D. C. Tillotson, of Topeka, Kans., the sum of $4,010.75, said amount being in payment for work done and expenses incurred by said Tillotson in carrying out the provisions of the treaty with the Pottawatomie Indians proclaimed April 19, 1862, and under the act of Congress approved March 3, 1909, under contract with the Secretary of the Interior, said sum to be paid on proper certificate from the Secretary of the Interior.

The amendment was agreed to.

The next amendment was, under the head of "Michigan," on page 20, line 7, before the word "Indian," to strike out "three hundred and twenty-five" and insert "three hundred and fifty"; in line 10, after the word "superintendent," to strike out "$56,275" and insert "$59,700"; in line 11, after the word "improvements," to insert "including equipments of two lavatories"; and in line 12, after the words "in all," to strike out "$61,275" and insert "$64,700," so as to read:

For support and education of 350 Indian pupils at the Indian school, Mount Pleasant, Mich., and for pay of superintendent, $59,700; for general repairs and improvements, including equipment of two lavatories, $5,000; in all, $64,700.

Mr. GAMBLE. Under the head of "Michigan," I move to strike out from line 7 to line 12, inclusive, and to insert in lieu thereof what I send to the desk. There is an error in the print, and I submit a substitute as a committee amendment.

The PRESIDENT pro tempore. The committee amendment to the amendment will be stated.

The SECRETARY. On page 20, strike out lines 7 to 12, inclusive, and insert in lieu thereof the following:

SEC. 8. For support and education of 350 Indian pupils at the Indian school, Mount Pleasant, Mich., and for pay of superintendent, $59,700; for general repairs and improvements, including equipment of two lavatories and for changing and improving heating system, including purchase of new 100-horsepower steam boiler, $15,000; for the construction of a gymnasium and manual training building, with equipment, $25,000; in all, $99,700.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, under the head of "Minnesota," on page 21, line 3, after the words "the sum of," to strike out "$165,000" and insert "$180,000," so as to read:

The Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States, at his discretion, the sum of $180,000, or so much thereof as may be necessary, of the principal sum on deposit to the credit of the Chippewa Indians in the State of Minnesota, arising under section 7 of the act of January 14, 1889, entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," and to use the same for the purpose of promoting civilization and self-support among the said Indians in manner and for purposes provided for in said act.

The amendment was agreed to.

The next amendment was, on page 21, line 22, before the word "available," to insert "immediately," so as to make the clause read:

That the unexpended balance of the appropriation for the completion of the drainage survey of ceded Indian lands made by the act of April 30, 1908, is hereby reappropriated and made immediately available for an extension of the drainage survey, together with an estimate of the cost of the project, to cover the Red Lake Diminished Reservation in Minnesota.

The amendment was agreed to.

The next amendment was, on page 22, after line 3, to insert:

That upon the passage of this act the senior judge of the United States District Court for the District of Minnesota shall appoint a commission consisting of two persons, one of whom shall be selected by the Department of Justice and the other shall be a citizen of the State of Minnesota, who shall proceed forthwith, under the direction of the said United States district court, to make a roll of the Chippewa Indians allotted within the White Earth Reservation in the State of Minnesota. The commission shall qualify by taking an oath of office and by giving a bond to the United States in the sum of $5,000 conditioned upon the faithful performance of their duties. Should a vacancy in said commission occur, from any cause, the court shall appoint some suitable person to fill such vacancy: *Provided*, That the said commission shall always be constituted as above set forth.

That the roll herein provided for shall be made in triplicate and shall show the allotment number or numbers, together with the description of the property allotted, and the name, age, sex, and quantum of Chippewa Indian blood of the allottees as near as it reasonably can be ascertained. The roll shall also state whether the person named is living or dead, and, if dead, the approximate date of death shall be stated, when it can be ascertained, together with the age of such person at death as near as practicable. No allotment nor the allottee thereof shall be enrolled where there is a suit now pending, or hereafter commences prior to the completion of such roll, to cancel any conveyance of such allotment until such suit has been finally determined.

That from time to time copies of such roll, as far as then prepared by the commission, shall be posted in the agency offices at White Earth and at Pine Point, and in the post offices at Beaulieu, Mahnomen, Waubun, Ogema, and Callaway, on the White Earth Reservation, and a copy thereof shall be transmitted to the Secretary of the Interior. At the same time, if the commission so desires, notice may be given, in the manner hereinafter provided for, of the intention of the commission to apply to the said United States district court for its approval of that portion of the roll so prepared and posted. Any person having an interest therein shall be entitled to be heard touching the status of any person named on said roll. The portion of the roll, when so approved, shall be filed, one copy with the clerk of the said United States district court, one copy at the agency office at White Earth, and one copy with the Secretary of the Interior. When the roll so made is completed, it shall be presented to the said district court for final approval. If the commissioners disagree as to the proper status of any allottee, they shall submit the question to the court for determination, upon such final presentation of the roll. At least three weeks prior to presenting the same for final approval the commission shall cause notice of the time and place of presenting the same to be published in three newspapers of general circulation upon and around the White Earth Reservation and in one daily newspaper in each of the cities of St. Paul, Minneapolis, and Duluth, and shall cause copies of such notice to be posted in the agency offices at White Earth and Pine Point, and in the post offices at Beaulieu, Mahnomen, Ogema, and Callaway, on the White Earth Reservation, and shall transmit a copy thereof to the Secretary of the Interior. Any person interested therein may be heard upon such final application touching the status of any person named upon such roll whose status has not already been passed upon by the court. The court shall receive and consider all evidence submitted touching disputed cases and shall fix the status of every such person in accordance with the facts as the court may find them to be. When the commission has completed the roll and all disputed cases have been determined by the court an order or decree of final approval shall be made and engrossed upon the roll. The roll so made and finally approved by the court, as aforesaid, shall be filed, one copy with the clerk of said court, one copy at the agency office at White Earth, and one copy with the Secretary of the Interior. The copy of the roll filed at the agency office at White Earth shall at all times be open to public inspection, and copies thereof may be made and filed for record with the registers of deeds of the various counties in which the lands described therein are situated, and such roll, when so made, approved, and filed, shall be final and conclusive as to the facts stated therein, and shall be deemed a record of the United States District Court for the District of Minnesota, and entitled to be received in evidence as such: *Provided, however,* That appeals as in other cases of final decrees in equity in said court may be taken by any party in interest: *And provided further,* That the determination of status, as provided herein, shall not, in the case of any allottee upon the roll so made, be taken to be a determination of the right of such allottee to have or to have had an allotment on the said reservation, or to be enrolled on the tribal rolls thereof.

That the commission is hereby empowered to employ such clerical and other assistance and to incur such expense, including traveling expenses, as may be required in connection with the work of enrollment, and the said district court shall fix the compensation to be received by the commissioners and such persons as they may employ. The sum of $5,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of carrying this act into effect.

Mr. CURTIS. I make the point of order against that amendment that it is in violation of Rule XVI, paragraph 3, it being general legislation on an appropriation bill. If the Senator in charge of the bill or the Senator from Minnesota desires to make any explanation, with the permission of the Senate, I will withhold the point of order.

Mr. CLAPP. Mr. President, in 1906, I think it was, the restrictions were removed from the mixed bloods upon the White Earth Reservation. At that time it was understood that a roll would be made by the department showing who were, according to the findings of the department, mixed bloods. That was not done, however, although two or three purported rolls, I believe, have since been made. Suits were brought to set aside conveyances made by those alleged mixed bloods, and a great many of those suits are now pending. The suits, so I am advised by the attorney who brought them, nowhere allege any fraud, but evidently rest upon the theory that the allottees who conveyed to private parties were not mixed bloods or were not, under the law, exempt from the restrictions. Of course, that question has got to be tried out. This provision is to take the case, where suits are not now pending, and obtain a judicial decree as to the status of the allottees with reference to the amount of white blood which they have, if any.

The measure does not go as far as I wish it might; but, so far as it goes, it provides an expeditious, inexpensive, and yet a very safe and carefully guarded proceeding, in the nature of a judicial determination of the question of the blood status of those allottees. It could not, of course, cover pending cases, because it is in the same court, and the court would not entertain them; but, to avoid any possible question on that score, it provides that this proceeding shall not apply to any pending cases; and so far as it is carried out, all the time under the control of the court, appeals being allowable from the decision of that court, it will expedite the ascertainment of the question of the status of the blood of these allottees.

I might add, Mr. President, that a bill covering the same matter has been favorably reported upon by the committee in the other House, and the report of the Indian Committee of that House shows that it has the approval of the Department of Justice. Of course, when these suits were brought the matter was transferred to the Department of Justice. That is why the provision is that that department shall name one of the commissioners and the court shall name the other.

I trust, under this explanation, the Senator from Kansas will withdraw his point of order.

Mr. CURTIS. Mr. President, I should like to know the necessity of having this legislation on an Indian appropriation bill. It is clearly legislation. It seems to me that it should come in here as a separate bill. I would withdraw the point of order if conditions were such up there that this legislation were necessary at this time to help settle the conditions on that reservation, and if the amendment is desired by either the Department of the Interior or the Department of Justice having charge of those suits.

Mr. CLAPP. Mr. President, it is necessary, as it would dispose in a more expeditious manner of the cases which otherwise would be brought to determine this very question of the status, an expensive proceeding. The question has got to be determined by the same court. I repeat: This simply provides an expeditious and inexpensive manner in the court itself, under the direction and jurisdiction and subject to the determination of the court, of the very question which has got to be decided day after day in these matters if it is not done in some other manner.

Mr. CURTIS. Mr. President, I withdraw the point of order.

Mr. KERN. Mr. President, I renew the point of order.

The PRESIDENT pro tempore. The Senator from Indiana renews the point of order.

Mr. KERN. I do so on account of the opposition to this legislation by the members of the White Earth Band of Minnesota Chippewas.

Mr. CLAPP. Mr. President, I trust that the Senator from Indiana will not take that position. I understand that some of the opposition comes from the fact that those Indians feel that they should have the appointment of one of the commissioners to be named. I would gladly accord that if I could, but this amendment is in their interest. Their matters are taken before the court, and this amendment provides that each and every one of them, if he is not satisfied with the manner in which his case is being investigated, can appear before the court in person or by counsel.

I really hope the Senator will not press his point of order. This is a matter within our State. It is a matter that we have had to deal with. It is a matter for which I am responsible if a mistake is being made by this legislation. These Indians are constituents of mine. I take the responsibility, and will have to do so, of meeting all objections. I do not believe the Senator, if there was a matter pending in Indiana with which he was thoroughly conversant and the responsibility rested upon him for the solution of that question, would feel that I had a right or that any other Senator had a right to take ex parte statements from constituents of his and seek to oppose and defeat legislation for which he, coming from that State, was responsible to the very men whose interests were being affected by the legislation and which, in view of all the circumstances and conditions surrounding the case, he felt was the best and only thing that he could do. I appeal to the Senator to recognize that situation.

Mr. TOWNSEND. Mr. President, will the Senator from Indiana yield to me?

The PRESIDENT pro tempore. Does the Senator from Indiana yield to the Senator from Michigan?

Mr. KERN. Certainly.

Mr. TOWNSEND. I desire to state that I am somewhat familiar with the position of the Department of Justice in reference to this situation. As is known by every Senator, I presume, the White Earth Reservation has been the subject of a great deal of investigation and a great deal of work by the Department of Justice. One of the very difficult problems which the Government meets in dealing with the land rights of Indians is the one which involves the question of blood. Has the Indian such a quantum of Indian blood as to include him among those who are to receive the full benefits of allotments? Has he sufficient "white" blood to permit him to alienate his land? To determine these a full examination must be made and a complete enrollment effected. I am satisfied this amendment has the approval of those officials of the de-

partment who have been adjusting matters on the White Earth Reservation. I hope that this provision will be permitted to remain in the bill.

Mr. KERN. Mr. President, I am glad to have a little information in regard to this amendment. Of course, I would be the last man to interfere with the prerogatives of the Senator from Minnesota or to offend him in any way. I should like to hear what he has to say with reference to the reasons for the opposition to this amendment which have been urged upon me. First, that this band of Indians are the most progressive in education and general enlightment of all the American Indians, having among them educated members who are successful attorneys at law, ministers of the gospel, editors and owners of newspapers, and men competent to fill any position.

This amendment is further objectionable because the tribe has had no opportunity to consider it, and if legislation of this character is to be had, they ask that it be given a full hearing in committee where opportunity may be afforded them to be heard.

The further objection is urged that this amendment proposes that the senior judge of the United States district court of Minnesota shall appoint two persons as a commission to make a roll of the Chippewa Indians upon the White Earth Reservation in Minnesota to ascertain who are mixed bloods and who are full bloods, and if they have any white blood, to ascertain the quantum thereof, one of the commissioners to be a representative of the Department of Justice and the other a citizen of the State of Minnesota.

A further provision is that any allottee whose allotment is involved in any of the lis pendens suits commenced by Burch and his subordinates shall not under the terms of the bill be classified upon the rolls.

The object of the proposed enactment is apparent to the progressive Indians, and this is to have continued in office indefinitely the men, who as special employees of the Department of Justice were detailed more than three years ago to investigate whether full-blood Indians upon the White Earth Reservation had disposed of their allotments contrary to existing law.

These men have done nothing except to file about twelve hundred lis pendens notices in the office of the register of deeds in the counties within which the White Earth Reservation is located. If there is an honest intention to settle the question in controversy upon the White Earth Reservation, the President of the United States should be the proper official, according to the general custom of the Government, to appoint the proposed commission. Furthermore, the most interested persons in regard to the enrollment are the Indians themselves who are to be enrolled, and for this reason they should have a representative on the proposed commission as well as the Department of Justice.

The Indian owners and persons whose rights and property are to be dealt with are not in favor of this amendment to classify White Earth allottees, but would prefer one drawn on entirely different lines than the amendment in the Indian appropriation bill—one which will give the President the authority to appoint a commission instead of the judge of the United States district court.

It is upon that statement that I have renewed the point of order against the amendment.

Mr. CLAPP. Mr. President, I am very glad the Senator has asked the question. In the first place, I agree with him that, taking them collectively, there probably is no group of Indians in this country so far advanced as are the White Earth Indians. That reservation is one upon which the Indians did not live, but to which they moved as they relinquished other occupations and their lands connected therewith. Many of them are educated, many of them are to-day following professional pursuits. The bill was passed in 1906, I think—I am speaking now from memory as to the date—removing these restrictions. If there had been a roll made of the mixed bloods, made with care that no man on that roll by any possibility was not a mixed blood, no man would have dared to have bought land of an Indian whose name was not on that roll. But instead of making that roll, the matter ran along against our protests until finally men were sent up there to make what they called rolls. They have put the matter in interminable confusion.

I agree that it would be very desirable that the Indians might have a man on this commission; but this legislation has got to be wrought out in view of the attitude of Congress and in view of the attitude of the Department of Justice.

While it would have been desirable to have had the Indians have a representative on this commission, it could not be done at this time; but the Indian is not precluded. This provision is carefully drawn, so that if an Indian objects to the manner in which the question of the status of his blood is being determined, he can go into the court himself and there fight out his battles.

The idea of the President doing this is a fallacious idea, for this reason: In the first place, the law removed these restrictions. Now, some people up there insist that we should pass a law ordering the Secretary of the Interior to grant patents in fee. We passed such a law in 1906; but there is no way of making the Secretary issue those patents. The act of the President would not be conclusive. It would still leave the subject open to litigation at the hands of the Department of Justice or anyone else. We have got either to have an officer who will execute the law or to make the law just as far as possible self-executing, automatic.

In this bill we get a judicial decree that stands of record there and is a notice to everyone as to whether or not the allottee has a right to convey his land. A presidential intervention would not do that. The law to-day, entitling them to a patent in fee and declaring their trust patent a patent in fee, does not do it, because there is no judicial proceeding connected with it. This is a judicial proceeding, only instead of taking each of these cases by itself and having it drag its weary length through the delays of the law it provides a means whereby their cases are brought directly to the attention of the court, and then the court determines whether or not and to what extent they have white blood in their veins.

As I say, it does not go as far as I wish it did; but it is all we could get, and will relieve the situation and expedite the settling of a question that has got to be settled at some time by judicial decree, as to the amount of white blood these allottees have.

The PRESIDENT pro tempore. The Chair is ready to rule, if the point of order is insisted upon.

Mr. KERN. Mr. President, the Senator's explanation is more or less satisfactory, but it is not on account of his explanation that I will withdraw the point of order. It is on account of his personal appeal, and upon the theory that a Senator from one State ought not to press such a point of order against the judgment of a Senator from another State in whom he has the confidence that I have in the Senator from Minnesota.

The PRESIDENT pro tempore. The point of order is withdrawn, and, without objection, the amendment will be agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, at the top of page 26, to insert:

The sum of $4,000 is hereby appropriated out of any funds in the United States Treasury to the credit of the Chippewa Indians in the State of Minnesota, to be expended pursuant to article 4 of the treaty of February 22, 1855, between the Chippewas of the Mississippi and Pillager Bands, for the higher education of 10 Chippewa Indian boys, members of the said bands of Chippewa Indians in the State of Minnesota, under the direction of the Indian education board of White Earth Reservation, in the said State. Created by act of council of the White Earth Bands of Chippewa Indians, held at White Earth, March 25, 1911.

The PRESIDENT pro tempore. The Chair will call the attention of the Senator from South Dakota to the word "created," in line 10.

Mr. GAMBLE. I suggest that on line 10, page 26, after the word "State," a comma be inserted and a small "c" substituted for the large one in the word "Created."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, under the head of "Montana," on page 26, line 17, after the word "employees," to strike out "$20,000" and insert "$25,000," so as to make the clause read:

For support and civilization of the Indians at Fort Belknap Agency, Mont., including pay of employees, $25,000.

The amendment was agreed to.

The next amendment was, on page 26, line 19, after the word "employees," to strike out "$9,000" and insert "$15,000," so as to make the clause read:

For support and civilization of Indians at Flathead Agency, Mont., including pay of employees, $15,000.

The amendment was agreed to.

The next amendment was, on page 26, after line 22, to insert:

For support and civilization of Indians at Blackfeet Agency, Mont., including pay of employees, $20,000.

The amendment was agreed to.

The next amendment was, on page 27, line 8, after the word "estimates," to strike out "$150,000" and insert "$400,000, to be immediately available," so as to make the clause read:

For continuing the construction of irrigation systems to irrigate the allotted lands of the Indians of the Flathead Reservation, in Montana,

and the unallotted irrigable lands to be disposed of under authority of law, including the necessary surveys, plans, and estimates, $400,000, to be immediately available, reimbursable in accordance with the provisions of the act of April 4, 1910.

The amendment was agreed to.

The next amendment was, on page 27, after line 11, to insert:

There is hereby appropriated the sum of $50,000, to be immediately available and to remain available until expended, and the Secretary of the Interior is authorized to use this money, or so much thereof as may be necessary, under such regulations as he may prescribe, for the promotion of civilization and self-support among the Indians residing and having tribal rights on the Fort Peck Indian Reservation, Mont. The said sum to be expended in the purchase of seed, live stock, vehicles, harness, machinery, tools, implements, and other agricultural equipment; for the construction of houses for said Indians, and for such other purposes as the Secretary of the Interior may deem proper in promoting their civilization and self-support: *Provided*, That said sum shall be expended under conditions to be prescribed by the Secretary of the Interior for its repayment to the United States on or before June 30, 1925, and all repayments to this fund made on or before June 30, 1924, are hereby reappropriated for the same purpose as the original fund, and the entire fund, including such repayments, shall remain available until June 30, 1924; and all repayments to the fund hereby created which shall be made subsequent to June 30, 1924, shall be covered into the Treasury and shall not be withdrawn or applied except in consequence of a subsequent appropriation made by law.

The amendment was agreed to.

Mr. CURTIS. Mr. President, I ask unanimous consent to return to page 9, lines 21 and 22. I move to strike out the proviso, as follows:

Provided, That $10,000 of this amount may be used for clerk hire in the Indian Bureau.

I do that because an item is pending in the legislative bill that will not be acted upon unless that item is taken out of this bill.

Mr. OVERMAN. We gave five clerks in the legislative bill, and I was asked to look after this bill and see that the provision was not adopted here for five extra clerks.

The PRESIDENT pro tempore. Without objection, the vote by which the amendment was agreed to will be reconsidered. The Senator from Kansas moves to amend by striking out the proviso found in lines 21 and 22, on page 9.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 28, after line 11, to insert:

There is hereby appropriated the sum of $50,000, out of any moneys in the Treasury not otherwise appropriated, or so much thereof as may be necessary, to be immediately available, for the purpose of purchasing cattle for the benefit of the Northern Cheyenne Indians: *Provided*, That said sum shall be expended under conditions to be prescribed by the Secretary of the Interior for its repayment to the United States on or before June 30, 1925, and all repayments to this fund made on or before June 30, 1924, are hereby reappropriated for the same purpose as the original fund, and the entire fund, including such repayments, shall remain available until June 30, 1924; and all repayments to the fund hereby created which shall be made subsequent to June 30, 1924, shall be covered into the Treasury and shall not be withdrawn or applied except in consequence of a subsequent appropriation made by law.

The amendment was agreed to.

The next amendment was, on page 29, line 9, after the word "estimates," to strike out "$100,000" and insert "$175,000," so as to make the clause read:

For continuing the construction of irrigation systems to irrigate the allotted lands of the Indians of the Blackfeet Indian Reservation, in Montana, and the unallotted irrigable lands to be disposed of under authority of law, including the necessary surveys, plans, and estimates, $175,000, reimbursable in accordance with the provisions of the act of March 1, 1907.

The amendment was agreed to.

The next amendment was, on page 29, line 15, after the word "estimates," to strike out "$100,000" and insert "$175,000," so as to make the clause read:

For continuing construction of irrigation systems to irrigate allotted lands of the Indians of the Fort Peck Indian Reservation, in Montana, including necessary surveys, plans, and estimates, $175,000, the same to be reimbursable.

The amendment was agreed to.

The next amendment was, on page 30, after line 6, to insert:

For the purpose of surveying the land within the Tongue River, or Northern Cheyenne Indian Reservation, Mont., for completing the survey of the lands within the Fort Belknap Indian Reservation, Mont., and for making a meander survey around Flathead Lake so as to identify the lands embraced within the power-site withdrawal of 100 linear feet around that lake back from the high-water mark for the year 1909, together with other necessary survey work on Indian reservations not herein provided for, $20,000, $5,000 to be immediately available.

The amendment was agreed to.

The next amendment was, on page 30, after line 17, to insert:

The unexpended balance of moneys heretofore appropriated for the settling of Chief Rocky Boy's band of Chippewa Indians is hereby made available for expenditure for the support and civilization of said Indians and shall remain available until expended.

The amendment was agreed to.

The next amendment was, on page 30, after line 22, to insert:

The Secretary of the Interior is hereby authorized to pay to Omer D. Lewis, lease clerk of the Flathead Indian Agency, Mont., the sum of $2,573.25, for the purpose of reimbursing him for expenses incurred for hospital and doctor's fees paid and serious personal injuries received while aiding Federal officers engaged in suppressing the sale of liquor to Indians, the same to be immediately available.

The amendment was agreed to.

The next amendment was, under the head of "Nebraska," on page 31, line 23, before the words "in all," to insert "for cottage for superintendent, $5,500," and in the same line, after the words "in all," to strike out "$66,800" and insert "$72,300," so as to make the clause read:

For support and education of 375 Indian pupils at the Indian school at Genoa, Nebr., and for pay of superintendent, $62,300; for general repairs and improvements, $4,500; for cottage for superintendent, $5,500; in all, $72,300.

The amendment was agreed to.

The next amendment was, at the top of page 32, to insert:

For repairing the Government bridge across the Niobrara River in Knox County, Nebr., for the use of the Santee and Ponca Indians, $1,200.

The amendment was agreed to.

Mr. THOMAS. Mr. President, I gave notice of an amendment, to be inserted immediately after the third line, on page 32, which I will ask to have read.

The PRESIDENT pro tempore. The Chair will ask whether that is an amendment to the amendment of the committee?

Mr. THOMAS. It is an amendment by the addition of a certain provision after the figures "$1,200."

The PRESIDENT pro tempore. The Chair will suggest to the Senator from Colorado that the agreement was that the committee amendments should first be acted upon. The Senator will please withhold his amendment until that time.

Mr. THOMAS. Then it is not in order at the present time?

The PRESIDENT pro tempore. It is not in order at this time.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, under the head of "Nevada," on page 32, line 9, after the word "superintendent," to strike out "$50,100" and insert "$67,400," and in line 10, after the words "in all," to strike out "$56,100" and insert "$73,400," so as to make the clause read:

For support and education of 300 Indian pupils at the Indian school at Carson City, Nev., and for pay of superintendent, $67,400; for general repairs and improvements, $6,000; in all, $73,400.

The amendment was agreed to.

The next amendment was, under the head of "New Mexico," on page 32, line 20, before the words "in all," to insert "for girls' dormitory, $18,000"; and in the same line, after the words "in all," to strike out "$57,500" and insert "$75,500," so as to make the clause read:

For support and education of 300 Indian pupils at the Indian school at Santa Fe, N. Mex., and for pay of superintendent, $51,900; for general repairs and improvements, $4,000; for water supply, $1,600; for girls' dormitory, $18,000; in all, $75,500.

Mr. CATRON. Mr. President, I gave notice that I have an amendment to that section down to that point. I should like to inquire whether it will be in order after all the committee amendments are disposed of?

The PRESIDENT pro tempore. It will be in order.

Mr. CATRON. I make this statement because this clause contains an amendment; and I do not want to be cut off by the fact that my amendment will apply to the same clause.

Mr. GAMBLE. I suggest to the Senator that his amendment may be deferred until later.

Mr. CATRON. I am perfectly willing, but I do not want to have it cut off.

The PRESIDENT pro tempore. It will be in order at any time. The question is on the amendment of the committee.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 32, line 23, after "$16,500," to strike out "which said sum of $16,500, with interest thereon at the rate of 3 per cent per annum, shall be reimbursed to the United States by the Navajo Indians, and shall be and remain a charge and lien upon the lands, property, and funds belonging to said Navajo Indians until paid in full, principal and interest," so as to make the clause read:

For the construction of a bridge across the San Juan River at Shiprock, N. Mex., on the Navajo Indian Reservation, to be immediately available, $16,500.

The amendment was agreed to.

The next amendment was, under the head of "North Dakota," on page 34, line 9, after "$2,000," to strike out "in all, $20,200," and insert "for dairy cows, poultry, and other live stock,

$1,000; for new equipment, $2,000; in all, $23,200," so as to make the clause read:

For support and education of 100 Indian pupils at the Indian school, Bismarck, N. Dak., and for pay of superintendent, $18,200; for general repairs and improvements, $2,000; for dairy cows, poultry, and other live stock $1,000; for new equipment, $2,000; in all, $23,200.

The amendment was agreed to.

The next amendment was, on page 34, after line 18, to strike out:

For support and education of 150 Indian pupils at the Indian school, Wahpeton, N. Dak., and pay of superintendent, $26,500; for general repairs and improvements, $3,000; in all, $29,500.

The amendment was agreed to.

The next amendment was, on page 34, after line 22, to insert:

For support and education of 200 Indian pupils at the Indian school, Wahpeton, N. Dak., and pay of superintendent, $35,200; for general repairs and improvements, $3,000; for beautifying and improving school grounds, $1,000; for gymnasium and playground equipment, $1,500; for cement walks, $1,000; for addition to barn, $4,000; for dairy cows, $1,000; for school building, $30,000; in all, $76,700. Of the above amount all shall be immediately available except the amount appropriated for education and support of pupils and for general repairs and improvements.

The amendment was agreed to.

The next amendment was, on page 35, after line 7, to insert:

To assist members of Turtle Mountain Tribe of Indians in making settlement upon their nonreservation allotments, $100,000.

The amendment was agreed to.

Mr. GRONNA. Do I understand that we are now considering committee amendments only, and that it will be in order to offer further amendments after they are disposed of?

The PRESIDENT pro tempore. The committee amendments are now being considered, and other amendments will be in order later on.

The reading of the bill was continued to line 15, on page 35.

Mr. KENYON. I wish to make a general inquiry of the Senator in charge of the bill at this point. There is set apart for support and civilization of these Indians, the Wichitas and affiliated bands, $5,000. I note, on page 34, "For support and civilization of Indians at Fort Berthold Agency, in North Dakota, including pay of employees"; and the next item, "for support and civilization of Turtle Mountain Band of Chippewas, North Dakota," does not include pay of employees. I wish to ask the Senator from South Dakota if it is not true that these appropriations are for the support and civilization of Indians and not for the pay of employees? Is not the pay of employees carried in the general legislative, executive, and judicial appropriation bill?

Mr. GAMBLE. No. If the Senator will take the appropriation on page 35, lines 8, 9, and 10, he will observe that this $100,000 is "to assist members of the Turtle Mountain Tribe of Indians in making settlement upon their nonreservation allotments." Some years since, an agreement was entered into between these Indians and the Government. There were no lands left in the reservation for which allotments could be taken, so it was necessary to put the Indians on Government land. They are without means whatever, and it is necessary to give them some help, so that they can make themselves self-supporting.

Mr. KENYON. Take the item at the bottom of page 33, "For support and civilization of the Sioux of Devils Lake, N. Dak., $5,000." Could any part of that be devoted to the pay of employees? The point I am making is that, I understand, the pay of employees is carried in another appropriation bill, and in many of these instances the fund which should be used for the support and civilization of the Indians is used to pay a number of useless employees.

Mr. CURTIS. Mr. President, the employees in the Indian Office doing field work, and who report to the department, are provided for in the legislative appropriation bill. The item for support and civilization is where the agency is in charge of an agent or a superintendent and the fund for the support and civilization is used for the payment of employees as well as for support and civilization.

I think the reason why in the Wichita item a provision for payment of employees was left out is because the tribe is affiliated with other tribes, and they are all at one agency.

Mr. KENYON. Is it not true that a very small part of the appropriation for the Wichitas has been used for their support?

Mr. CURTIS. Quite a good deal of it is used for the support of the old and infirm members of the tribe.

Mr. KENYON. I think a large part of it goes to maintaining employees.

Mr. CURTIS. In some agencies a very large amount of money is for employees. There is no question about that. But the Indian Office thinks it is necessary in order to do the work and to keep enough people there to look after the Government property and the interest of the Indians.

The amendment was agreed to.

The reading of the bill was continued.

The next amendment was, under the head of "Oklahoma," on page 36, line 20, before the words "in all," to insert "for new buildings, $17,500"; and in the same line, after the words "in all," to strike out "$90,500" and insert "$108,000," so as to read:

For support and education of 500 Indian pupils at the Indian school at Chilocco, Okla., and for pay of superintendent, $83,500; for general repairs and improvements, $7,000; for new buildings, $17,500; in all, $108,000.

The amendment was agreed to.

The next amendment was, on page 37, after line 7, to insert:

That the Secretary of the Interior, under rules and regulations to be prescribed by him, is hereby authorized to expend, out of any funds in the Treasury belonging to the Choctaw Tribe of Indians of Oklahoma not otherwise appropriated, the sum of $10,000, for the use and benefit of the Old Goodland Indian Industrial School, near Hugo, Okla., this appropriaton being made to carry out the purposes of the act of the General Council of the Choctaw Nation passed October 30, 1911, appropriating the sum of $10,000 of the funds of the Choctaw Nation to be expended for the benefit of the Old Goodland Indian Mission and Industrial School, which has been incorporated and is now known as Old Goodland Indian Industrial School, which act of the council was approved by the President on June 24, 1912: *Provided* That the amount herein appropriated shall be immediately available and remain available until expended.

The amendment was agreed to.

The next amendment was, on page 38, after line 19, to insert:

For continuing the relief and settlement of the Apache Indians now confined as prisoners of war at Fort Sill Military Reservation, Okla., on lands to be selected for them by the Secretary of the Interior and the Secretary of War, $100,000, to be expended under such rules and regulations as the Secretary of the Interior and the Secretary of War may prescribe, and to be immediately available and to remain available until expended: *Provided*, That allotments may be purchased in Oklahoma for the widow of George Wrattan, interpreter for the Fort Sill prisoners of war, Martin Grab, and Edward Welch.

Mr. CURTIS. I desire to make a point of order against the proviso. It is general legislation on an appropriation bill, providing for an allotment to people not entitled to it under any act of Congress.

The PRESIDENT pro tempore. Does the Senator from South Dakota desire to say a word in reference to the point of order?

Mr. GAMBLE. I do not know that I can resist the point of order. Of course it is recommended by the department. These employees have been with these Indians and practically a part of them ever since they have been confined. They are old and really helpless. One of them has been injured and is a cripple. It appealed to the committee as a matter of sympathy to do justice by these people who had sacrificed so much in behalf of these particular Indians.

Mr. CURTIS. In view of the statement of the Senator from South Dakota, I withdraw the point of order. I wish to say that very much trouble has come from allotting to people who are not members of Indian tribes, as Senators will well remember. It is a very bad practice indeed, in my judgment; but, in view of the statement made by the chairman of the committee, I will not insist on the point of order.

The PRESIDENT pro tempore. The point of order is withdrawn, and, without objection, the amendment is agreed to.

The next amendment was, on page 39, after line 5, to insert:

That the Secretary of the Interior is hereby authorized to pay, out of any moneys in the Treasury not otherwise appropriated, the sum of $5,000 to Mrs. Robert Leo Bowman, widow of Robert Leo Bowman, late deputy special officer for the suppressing of the liquor traffic among Indians, who was killed while in the performance of his duty.

The amendment was agreed to.

The next amendment was, under the subhead "Five Civilized Tribes," on page 39, line 20, before the word "*Provided*," to strike out "For expenses of administration of the affairs of the Five Civilized Tribes, Oklahoma, and the compensation of employees, $150,000" and insert "For expenses of administration of the affairs of the Five Civilized Tribes, Oklahoma, and the compensation of employees, including such attorneys as the Secretary of the Interior may, in his discretion, employ in connection with probate matters affecting individual allottees of the Five Civilized Tribes, $250,000," so as to read:

For expenses of administration of the affairs of the Five Civilized Tribes, Oklahoma, and the compensation of employees, including such attorneys as the Secretary of the Interior may, in his discretion, employ in connection with probate matters affecting individual allottees of the Five Civilized Tribes, $250,000.

The amendment was agreed to.

The next amendment was, on page 40, line 6, after the words "fiscal year," to insert "at salaries not exceeding those for the last fiscal year," and, in line 8, after the word "President," to insert "which are now in force," so as to make the proviso read:

Provided, That during the fiscal year ending June 30, 1914, no moneys shall be expended from the tribal funds belonging to the Five Civilized Tribes without specific appropriation by Congress, except as follows: Equalization of allotments per capita and other payments authorized by law to individual members of the respective tribes, tribal

and other Indian schools for the current fiscal year under existing law, salaries and contingent expenses of governors, chiefs, assistant chiefs, secretaries, interpreters, and mining trustees of the tribes for the current fiscal year, at salaries not exceeding those for the last fiscal year; and attorneys for said tribes employed under contract approved by the President, which are now in force, under existing law, for the current fiscal year: *Provided further*, That the Secretary of the Interior is hereby authorized to continue the tribal schools of the Choctaw and Chickasaw Nations for the current fiscal year.

The amendment was agreed to.

The next amendment was, on page 40, after line 12, to insert:

That the act of Congress, approved February 19, 1912 (37 Stat. L., p. 67), being "An act to provide for the sale of the surface of the coal and asphalt lands of the Choctaw and Chickasaw Nations, and for other purposes," be, and the same is hereby, amended to provide that the classification and appraisement of such lands shall be completed not later than December 1, 1913.

The amendment was agreed to.

The next amendment was, on page 40, after line 20, to insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the administrator of the estate of John W. West, deceased, out of any money in the Treasury of the United States standing to the credit of the Cherokee Nation of Indians, the sum of $5,000, in full payment of the award made by the commission appointed pursuant to the authority contained in the seventh article of the treaty with the Cherokees of August 6, 1846, and which award was approved by the Secretary of the Interior August 29, 1883, reaffirmed by decision dated September 16, 1884, and again reaffirmed by decision dated April 26, 1886; said appropriation to be immediately available.

Mr. GORE. Mr. President, I raise the point of order against that item.

The PRESIDENT pro tempore. The Senator from Oklahoma makes a point of order. On what ground?

Mr. GORE. That it does not properly belong in this appropriation bill.

The PRESIDENT pro tempore. The Chair will further ask on what point? For what reason?

Mr. GORE. I do not think it properly belongs in this general Indian appropriation bill. It is a specific item for a specific claim. It has not been adjudicated in the Court of Claims. It is a matter that has been pending here for years. It has been brought in time and time again.

The PRESIDENT pro tempore. The Senator from Oklahoma makes the point of order, then, that it is a private claim on this appropriation bill?

Mr. GORE. Yes, sir; it is a private claim.

The PRESIDENT pro tempore. The Chair will read on that point clause 4 of Rule XVI:

No amendment, the object of which is to provide for a private claim, shall be received to any general appropriation bill, unless it be to carry out the provisions of an existing law or a treaty stipulation, which shall be cited on the face of the amendment.

The reading of the amendment indicates that this is to carry out the provision of a treaty.

Mr. GORE. No, sir; it is not to carry out the provisions of a treaty. There was a treaty entered into which authorized a certain commission to adjudicate claims against the Cherokee Tribe of Indians on the part of the Western Cherokees. John W. West was an Eastern Cherokee. Bluford West was a Western Cherokee. But in disregard of that provision of the treaty limiting the authority of the commission to the Western Cherokees, this award was made. In my judgment, if it is to be adjudicated at all it ought to be referred to the Court of Claims and not settled in this way.

Mr. McCUMBER. Mr. President, I desire to call the attention of the Chair to the fact that this appropriation is not to be paid out of Government funds, but out of funds of the Cherokee Nation. There seems to be a difference of opinion between the Senator from Oklahoma and the department. A treaty was made under which the Cherokee Nation settled their claims against the United States. That treaty required the United States to pay a certain sum of money to the Cherokee Nation. Upon an investigation it has been shown to the satisfaction of the department that John W. West was a member of that tribe and that he has never had his proportionate share. He has since died, and this is a claim on the part of the representatives of John W. West.

The claim is based, first, upon a treaty made with the United States, and, second, the claim is against the Cherokee Nation itself. The Cherokee Nation received, I think, over $4,000,000 from the United States for the benefit of all their members. It has been established that John W. West was a member of that nation and entitled to consideration.

So, I think, Mr. President, under the two points the amendment is not subject to the point of order.

The PRESIDENT pro tempore. The Chair observes that the language of the amendment is "in full payment of the award made by the commission appointed pursuant to the authority contained in the seventh article of the treaty with the Cherokees of August 6, 1846," and, furthermore, takes note of the point the Senator from North Dakota has made that this payment is to be made out of the Indian funds and not out of the funds in the Treasury. Previous presiding officers have on more than one occasion decided that that fact takes it out of the provisions of the rule. For those two reasons the Chair overrules the point of order.

Mr. GORE. Mr. President, this claim does not come within and this party does not come within the Indians who are entitled to be paid from the $4,000,000 appropriation. This is an award for a salt springs which arose in 1841. The springs belonged to Bluford West. Representatives of the Government were sent to appraise the property taken from Bluford West, and the claim was settled in full, I think, during the forties, Bluford West being a Western Cherokee. The treaty between the Cherokees and the Government authorized the commission to adjudicate the claims on the part of the Western Cherokees against the Government. John W. West was an Eastern Cherokee, and, as I remember, did not file this claim during his lifetime, although he lived, I think, until 1868. Now his descendants have trumped up this claim against the Cherokee Tribe, notwithstanding the property taken was paid for in full long ago.

It is simply one of those ancient, stale, undeserving claims, in my judgment, which the Senate is frequently called on to pay, and it ought not in good conscience and in justice to permit this claim to go through at this time. I had hoped that this practice had reached its end, and I hope that it is approaching its end.

I ask the Senate to reject the amendment and strike this claim from the bill.

Mr. CURTIS. Mr. President, I hope the first suggestion made by the Senator will be agreed to, to send this claim to the Court of Claims. I think that should be done.

I wish to state that this claim, as has been suggested by the Senator from Oklahoma and the Senator from North Dakota, has been pending a long while. It was investigated by a subcommittee very thoroughly, all sides were heard, and a favorable report was made. I was chairman of the subcommittee and came to the conclusion that the heirs of these people were entitled to be paid.

The Senator from Oklahoma made a statement in reference to the claim. I thought perhaps all the information had not been secured by the subcommittee of which I was chairman, and I asked that the bill be referred to another subcommittee. That subcommittee, after careful investigation and, I understand, without following the report that had been made by the subcommittee of which I was chairman, found that this was a just claim.

But in view of the controversy and in view of the fact that the attorney for the Cherokees still contends that this is not a lawful claim, and in view of the contention made by the Senator from Oklahoma, I think the best course to take with this claim would be to send it to the Court of Claims, and then it could be properly settled and there would be no question about the matter when it was settled by the Court of Claims.

Mr. McCUMBER. Let me ask the Senator a question: Has not that very question been investigated by a commission specially appointed to ascertain the facts, and was not their report made showing that the heirs of John W. West are entitled to this payment?

Mr. CURTIS. The claim was, as I recollect it, investigated, and it was the conclusion reached by both the subcommittees that the heirs of John W. West were entitled to the payment, but the records also show, it is my recollection, as stated by the Senator from Oklahoma, that another party was paid, and he was supposed to be paid in full, but that party was not an heir of John W. West.

Mr. STONE. Did he get paid?

Mr. CURTIS. The heirs of John W. West have not been paid, if he is entitled to the payment. That is why I say, in view of what has been stated by the Senator from Oklahoma and the contention made by the attorney for the Cherokees, I think this question should go to the Court of Claims and let them settle it and see whether or not this payment should be made.

Mr. STONE. I understand there are two Wests here, one from the West and the other from the East, and that the western West was paid. Is that correct?

Mr. CURTIS. The records, as I recollect it, although it has been some time since I investigated the case, show that these Wests were brothers—or, anyway, they were relatives—and they were partners in this property, but a settlement was made on the basis that they were not partners, and the heirs of the other West were paid but not of this one. That is my recollection. It has been some years since I examined this claim, and I may be mistaken about that.

Mr. STONE. The western West was paid?

Mr. CURTIS. I think this was also a western West.

Mr. STONE. Was he paid in full, and now the eastern West comes in and says he is entitled to be paid? Has the Senator from Kansas any information as to whether there is a southern West or a northern West?

Mr. CURTIS. No; but I think this man was a western West instead of an eastern West. I think the record will bear out that statement.

The PRESIDENT pro tempore. In announcing his decision on the point of order the Chair meant to add the fact that the amendment recites that this award has three times been approved by the Secretary of the Interior. The award was approved, it was reaffirmed, and again reaffirmed. The Chair overrules the point of order, and the question is upon agreeing to the amendment.

Mr. McCUMBER. I wish to to ask the Senator from Kansas if the Dawes Commission did not investigate this question and make its report to the Secretary of the Interior? The report here shows that a commission passed upon it, and I ask if that was the Dawes Commission?

Mr. CURTIS. I do not think so. I think that was a commission appointed by the Secretary of the Interior before the Dawes Commission was created. As I said a moment ago, it has been so long since I examined the papers in the case that I have really forgotten the exact dates.

Mr. GORE. The commission that investigated this claim was some years prior to the Dawes Commission—I think perhaps 10 years.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

Mr. McCUMBER. Mr. President, before we have a vote upon the amendment I wish to say that I can not understand what the real objection to this claim is. The claim is based upon an assumption on the part of Senators that certain facts exist. That question has been investigated, as is already shown in the argument, three times—once by a commission and twice by subcommittees appointed by the Committee on Indian Affairs. Each time the report has been that the heirs of John W. West were entitled to be recognized as having a claim to their proportionate sum of that obtained by the Cherokee Nation from the United States.

It was first investigated, as the Senator from Oklahoma says, about 10 years prior to the creation of the Dawes Commission. It was investigated, then, at a time when the facts were fresh in the minds of those who knew about the case.

Mr. GORE. Mr. President——

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

Mr. McCUMBER. I yield.

Mr. GORE. I should like to set the Senator straight on that point. I think this claim accrued in 1841 or 1842. Bluford West was, I think, settled with about 1845 or 1846. John West, I think, died in 1868, and it is my recollection that he never presented any claim for payment and had never pretended to be entitled to any claim for payment. That was in 1868. This commission, as I remember, was appointed in 1882 or 1883, about 40 years after the claim accrued, if it did accrue, and about 36 years after this treaty was made.

The Senator from North Dakota seems to be under a misapprehension. This has no relation on earth to the claims that were to be liquidated by the $4,000,000 appropriation. Certain salt springs were taken in 1841 or 1842. The springs were owned by Bluford West. Representatives of the Government were sent to the property immediately after Bluford West's death. A detailed report was made setting out the particulars of the various forms of property owned by Bluford West, and on that report Bluford West was settled with.

I wish to impress this fact on the mind of the Senator: The treaty of 1846 provided for the creation of a commission to consider claims on the part of the Western Cherokees, expressly stating Western Cherokees. The commission had no authority to consider claims on the part of Eastern Cherokees.

It is true that John West and Bluford West were brothers. Senators unfamiliar with the history of the Indians there may wonder why one was an Eastern and one a Western Cherokee. That point turned on the date of their removal to the old Indian Territory. Those who went prior to a certain date were Western Cherokees and those who went subsequent to that date were Eastern Cherokees. Bluford West went prior to that date and became impressed with the character of a Western Cherokee. John W. West went subsequent to that date and therefore became an Eastern Cherokee.

This matter slumbered for some 30 or 40 years before it was resurrected and pressed as a righteous claim against the Government. I have been just informed by the Senator from West Virginia that when the report, the last report, I think, was made, no recommendation was made as to whether it should be paid or not. In my judgment it ought not to be paid. Certainly it ought not to be paid until passed on by the Court of Claims. I hope it will be rejected.

Mr. McCUMBER. About how many commissions does the Senator want to pass on these claims? It has been investigated five or six different times and every investigation has brought forth the same result.

Why send it to the Committee on Claims? Will it receive any better investigation before that committee? The department has investigated it. A commission has been sent out to investigate it. The department would not have recommended that it should be paid out of the tribal fund, out of the fund that was realized by the Western Cherokees, unless the department had been satisfied that it was a claim justly chargeable to that account.

We can, of course, strike this item out of the Indian appropriation bill. We can send it still to another committee to investigate, but when is the investigation to be stopped? It is properly a claim against Indian property, if it is a claim at all. It is therefore a claim that should be under the jurisdiction of the Interior Department and not a claim that should go to the Committee on Claims.

Mr. LODGE. The Court of Claims?

Mr. McCUMBER. These Indian claims are never referred to that committee or to the Court of Claims. I do not care whether it is the Committee on Claims or the Court of Claims, it has been decided by committees that have investigated it over and over again. The department has investigated it and the department has declared, through the Secretary of the Interior, every time it has been written to, that this is a just claim and that this is the form of an amendment that ought to be drawn to pay the claim. The fact that it has been delayed by Congress for 40 years or 80 years ought not to make any difference. If it is a just claim it ought to be paid.

The Senator from Oklahoma gives his opinion that the claim of John W. West is not a proper claim. There is then the opinion of the Senator from Oklahoma as against the opinion of at least four separate investigations upon the same subject and the conclusion to the contrary. If the simple statement of a Senator that he thinks a claim of this kind ought not to be paid should override every commission's report and the careful investigation made by the Secretary of the Interior, of course, we would get nothing upon these Indian bills whatever.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The Secretary continued the reading of the bill.

The next amendment was, on page 40, after line 10, to strike out:

The sum of $300,000, to be expended in the discretion of the Secretary of the Interior, under rules and regulations to be prescribed by him, in aid of the common schools in the Cherokee, Creek, Choctaw, Chickasaw, and Seminole Nations in Oklahoma, during the fiscal year ending June 30, 1914: *Provided*, That this appropriation shall not be subject to the limitation in section 1 of this act limiting the expenditure of money to educate children of less than one-fourth Indian blood.

The amendment was agreed to.

The next amendment was, on page 41, after line 19, to insert:

For the support, continuance, and maintenance of the Cherokee Orphan Training School, near Tahlequah, Okla., for the orphan Indian children of the Five Civilized Tribes belonging to the restricted class, to be conducted as an industrial school under the direction of the Secretary of the Interior, $25,000; and the principal chief of the Cherokee Nation is authorized to sell and convey said property, including the 40 acres of land appurtenant thereto and all buildings thereon, to the United States for the sum of $5,000, and the additional sum of $5,000 is hereby appropriated for said purchase.

The amendment was agreed to.

The next amendment was, on page 42, after line 5, to insert:

The sum of $300,000, to be expended in the discretion of the Secretary of the Interior, under rules and regulations to be prescribed by him, in aid of the common schools in the Cherokee, Creek, Choctaw, Chickasaw, and Seminole Nations in Oklahoma, during the fiscal year ending June 30, 1914: *Provided*, That this appropriation shall not be subject to the limitation in section 1 of this act limiting the expenditure of money to educate children of less than one-fourth Indian blood.

The amendment was agreed to.

The next amendment was, on page 42, after line 14, to insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to forthwith make a per capita payment of $200 from the tribal trust funds of the Seminole Indians to each individual officially enrolled as a member of the said tribe, to relieve the distressed condition at present existing among the allottees of that tribe, said payment to be made at Wewoka, Okla.: *Provided*, That amounts of all delinquent taxes and penalties properly assessed against the lands of each Seminole allottee under the laws of the State of Oklahoma and remain-

ing unpaid shall be ascertained and paid under the direction of the Secretary of the Interior in each and every case out of the distributive share to be paid to each enrolled member of the tribe under the provisions of this act.

The amendment was agreed to.

The next amendment was, on page 43, after line 3, to insert:

That the Secretary of the Interior is hereby authorized to make a per capita payment to the Choctaws and Chickasaws entitled thereto of $100 each, and to the Cherokees of $15 each, out of the tribal funds now on hand.

Mr. LODGE. Mr. President, I desire to make a point of order against that amendment. It proposes to change existing law. The acts of Congress and agreements with the Indians provide that the moneys belonging to the Choctaws and Chickasaws shall be distributed to the members of the tribes or their heirs when the rolls are completed and all allotments made and surplus lands sold. (Sec. 14, act of July 1, 1902, 32 Stats., 642.)

The amendment provides for a payment of $100 per capita to each Choctaw and Chickasaw now enrolled and $15 to each Cherokee now enrolled.

Our rule, of course, is not the rule of the other House in regard to the changing of any existing law, and the change of existing law which this amendment proposes to make fixes its character as general legislation. I do not care to delay the bill or the Senate. I might go on further to show that it would also eventuate in a charge on the Treasury, but that is not necessary. It is clearly, I think, general legislation.

Mr. OWEN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from Oklahoma?

Mr. LODGE. I do.

Mr. OWEN. Will the Senator from Massachusetts read the terms of the existing law?

Mr. LODGE. The acts of Congress and agreements with the Indian tribes provides that the moneys belonging to the Choctaws and Chickasaws shall be distributed to the members of the tribes or their heirs when the rolls are completed and all allotments made and surplus lands sold. The amendment provides for the payment of $100 per capita to each Choctaw and Chickasaw now enrolled, and $15 to each Cherokee now enrolled.

In the case of the Seminoles, which we have just passed, the roll was complete. This roll is admittedly not completed. Therefore, it seems to me, the amendment clearly proposes general legislation.

Mr. OWEN. I should like to ask the Senator from Massachusetts a question. Upon what authority does he state that these rolls are not completed?

Mr. LODGE. I state that on the authority of the report of the Secretary of the Interior. There are now upon the rolls of the Choctaws and Chickasaws 27,021 persons, exclusive of freedmen, entitled to participate in the property of the tribes. The payment proposed would aggregate $2,702,100, and there is now to the credit of the two tribes and available $4,444,297. So that the proposed payment would take one-half of the available funds now in the Treasury to the credit of these two tribes.

In a letter of the Secretary of the Interior, dated April 22, 1912, addressed to the Senate Committee on Indian Affairs, it is stated that there are off the rolls of the Choctaws and Chickasaws four classes of persons whose cases should be considered before the affairs of those two tribes are closed up, which classes are as follows:

1. Noncompetent cases, one person to a case, 800.

This class includes full-blood Indians, minor orphans, insane, and so forth.

2. Delinquent cases, due to administrative delay, 52.

3. Ten Mississippi Choctaw cases.

4. One thousand seven hundred and twenty-four cases, averaging three persons to a case, that were imperfectly adjudicated.

There are now approximately 5,000 Indians recognized by the department to have equitable claim to share in the property of the Choctaws and Chickasaws.

That letter of the Secretary of the Interior is my authority for saying that the rolls are not complete.

Mr. OWEN. I will state, Mr. President, that the Secretary of the Interior has not made any such declaration.

Mr. LODGE. That letter was addressed——

Mr. OWEN. I challenge the Senator to put it in the RECORD.

Mr. LODGE. The letter of the Secretary of the Interior is dated April 22, 1912, and addressed to the Senate Committee on Indian Affairs.

Mr. OWEN. These rolls, Mr. President, were closed by an act of Congress five years ago. It has now been 20 long years since Henry L. Dawes, previously a Senator from Massachusetts, was sent to Oklahoma for the purpose of winding up the affairs of the Five Civilized Tribes. In 1896, three years after the Dawes Commission went to Oklahoma, Congress directed these rolls to be made The rolls were made. Individuals who were on the tribal rolls were recognized, but there were thousands of people remotely of Indian blood who, because they were part Indian, some of them having only a thirty-second part Indian blood, some having only a sixty-fourth part Indian blood, some of them having only the pretense of Indian blood, set up a claim to be admitted into the Choctaw and Chickasaw Tribes, where citizenship is worth approximately $10,000—being variously estimated from $6,000 to $10,000.

The Dawes Commission struggled with that problem during 1896, 1897, 1898, 1899, 1900, 1901, 1902, 1903, 1904, 1905, and 1906, year after year allowing appeal upon top of appeal, until, finally, Congress, seeming weary of that everlasting contention that anybody who could claim to have remotely a trace of Indian blood had a right to a distributive share in this estate, by act of Congress closed these rolls on the 4th of March, 1907. They had spent 11 long and tedious years on this problem. The Interior Department has only directly recommended that 52 persons be put on the roll. A clerk named Howell, of the department, has suggested various classes who might be considered, and has recommended that they should be given a new hearing, a rehearing.

The PRESIDENT pro tempore. Will the Senator read the terms to which he alludes in the statute of 1907?

Mr. OWEN. I will read that into the RECORD at the proper moment.

It therefore is a roll concluded by act of Congress. The Interior Department has resisted reopening those rolls ever since that act of Congress was passed, but has suggested that this small number of 52 persons should be put upon the roll. There are probably two or three hundred Indians who ought to be put on that roll who were left off by inadvertence; but the Choctaw and Chickasaw estate, by the estimate of the Choctaw and Chickasaw Tribes, was put at a value of $60,000,000. Mr. George Wright, the United States Commissioner to the Five Civilized Tribes, put that tribal property of the Choctaws and Chickasaws yet undistributed at approximately $36,000,000. The passage of this item will in nowise affect the claim of any of the people who might have any possibility of asserting a claim.

Mr. CURTIS. Mr. President——

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

Mr. OWEN. I do.

Mr. CURTIS. Does the Senator from Oklahoma mean that the proceeds from the sale of the surplus of the coal lands, of the coal rights, and of the reserved timber lands would be ample to meet all the claims against the Government and pay each individual his share?

Mr. OWEN. Oh, yes; they will yield more than a sufficient amount. Even the attorney representing these claimants came before the Committee on Indian Affairs and stated that a payment of a hundred dollars per capita would not in any way affect his clients; and yet he now comes and makes this appeal through the Senator from Massachusetts, I suppose, urging a point of order against this amendment simply in order to show his activity and his zeal in behalf of his clients, interfering with the rights of these people, the Choctaws and the Chickasaws, who promptly agreed with the United States Government in 1897, 15 years ago. The Choctaw and Chickasaw authorities agreed with the United States as humble wards of the Government, yielding to the superior power of the United States, and made an agreement to divide their lands, with the explicit pledge in the faith of that agreement that the lands which were not allotted should be sold and the proceeds distributed to them.

Those people since that time have died by thousands. In the ordinary process of nature, 15 years is a long time for a large community. Within 15 years the annual death rate of 20 to the thousand on 30,000 people would make 1,500 people a year, and in 10 years would amount to 15,000 people. Those people have died and never received the fulfillment of the promise of the Government of the United States. Now here, after all these long years, an attempt is made to appeal to a point of order to prevent the partial carrying out of this honorable obligation of the United States to the Choctaws and the Chickasaws. I hope the Senator will not persist in the point of order.

Mr. LODGE. Mr. President, the department recognizes by the list I have just read—and it is found in the report of the Department of the Interior—that there are now approximately 5,000 Indians who are entitled to claim a share of the property of the Choctaws and Chickasaws. It is quite true that the department could not put those people on the rolls because the jurisdiction of the department terminated by operation of law

on March 4, 1907, but prior to that time the department recommended an extension of the time in which to wind up the affairs of those tribes. The Senator from Minnesota [Mr. CLAPP], at that time chairman of the Committee on Indian Affairs, endeavored to secure that extension. The estimate of the commissioner to the Five Civilized Tribes is that there are only $23,500,000 yet to be received from the sale of the tribal property, and the estimate of the Senator from Oklahoma of the value of their share is much larger than I had supposed it was.

Mr. OWEN. I will suggest to the Senator from Massachusetts that he has omitted the coal and asphalt lands from the estimate of $23,500,000.

Mr. LODGE. But it is valued at $5,000 or less, and it would involve, on the amount reported by the commissioners, a charge upon the Treasury in addition. It seems to me, Mr. President, that the amendment clearly proposes to change existing law. I do not wish to delay the bill any further. I make the point of order.

Mr. TOWNSEND. Mr. President, I can not throw any light on the point of order particularly, but I am interested in this matter, because it is a type of conditions that exist in more than one of the Indian tribes. I understand, of course, that when these rolls were closed, as has been suggested, there were certain Indians and their very active counsel who were necessarily interested in having the enrollment as small as possible, because, by lessening the number, the amount that each Indian would receive would be greater. I am satisfied, from much correspondence that has come to me and from some little investigation I myself have made, that there are thousands of the Indian wards of this Government who have not been enrolled, but to whom the Government is quite as much indebted and quite as much under obligation for their care and support and the fair treatment which should be accorded them as it is to those Indians who have been enrolled.

I think that we can well afford now to stop and consider just exactly what the true situation is, because I here predict that if this Government shall distribute the money and property which belong to the Indians among less than the whole number there will hereafter be presented claims against the Government for those who are left off the rolls, and the United States will be obliged to pay them. I am also confident that some of the same attorneys who have greatly profited by successful efforts to close rolls in the past, and who are now anxious to distribute Indian funds among those enrolled, will enlist their efforts to recover against the United States, and for those Indians who are not now included in the enrollment, the money which can be easily proven to be theirs. There will be no escaping its obligations in the case, no matter if we have closed the rolls and have left them out, because this property belongs to them.

I am greatly interested in the matter, for while I am loath to make charges, I think there has been fraud practiced on our Indian wards, and if the point of order is not sustained, as I hope it will be, I shall feel obliged to vote against the amendment, because I do not believe it is just or right. If we have no regard for our duties to the Indians, we should regard the interests of the United States and protect them against damages hereafter.

Mr. LODGE. Mr. President, I have sent for and obtained the report of the Department of the Interior, and merely to show the view of the department as to increasing the roll I will read:

It is not claimed—

Referring to their inability to act under the law of 1907—

It is not claimed that the action of the department in refusing to consider such cases was erroneous but that the law was unfair and unjust and that, in the administration of this law, further injustice resulted because (1) the tribal rolls were, according to the reports of the Commissioner to the Five Civilized Tribes, incomplete and otherwise defective; (2) the commission did not index and consult all rolls in its possession; and (3) certain rolls were not transmitted to the commission or its successor until after the time fixed by law for the termination of the enrollment work.

That is, the department holds that the rolls have never been completed, and to pay the amounts proposed without completing them would involve a change of existing law.

Mr. OWEN. The reference there is to the particular cases which did not reach the department in time, and they comprise the 52 cases to which I have referred. They are the only ones that really were not properly enrolled.

Mr. LODGE. The department says that their estimate of those who are not properly enrolled, deducting the 51 cases, is 2,675.

Mr. OWEN. If the Senator will read the latter part of the letter he will find that the department declines to make any recommendation with regard to opening these rolls. The department has opposed the opening of these rolls for five years. It has said the 52 names, to which I have referred, should go on the rolls and has thought that those reported by Mr. Pollock ought to go on, but it has not sent as yet to the Congress the direct recommendation that they should be put on, so far as I am informed.

The PRESIDENT pro tempore. It must be manifest to the Senate that in a controversy of this kind, with conflicting statements, it is quite impossible for the Chair to determine the exact status of this case. For that reason the Chair, under the privilege accorded to the Chair by the rules, will submit the question to the Senate. Is the amendment in order?

Mr. CURTIS. I think, Mr. President, unless the Chair desires to submit the question to the Senate, that the point of order should be sustained, for the reason that the property has not been disposed of, as shown by the debate, and this settlement is not to be made until the property of the tribe is disposed of. It is admitted that, under the law, there remain four hundred and some odd thousand acres of coal lands undisposed of and large tracts of timber lands undisposed of; and, of course, this is a distribution before it is authorized under existing laws. I will say to the Senate, however, that I think this small payment would not at all affect the rights of others claiming rights, because these Indians have such a large and valuable property.

The PRESIDENT pro tempore. The question will be submitted to the Senate.

Mr. OWEN. Mr. President, before the matter is submitted to the Senate I wish to call the attention of the Senate—or perhaps it will be well to let the matter be submitted to the Senate, and then I will make the comment—explaining the letter which has apparently misled the Senator from Massachusetts.

Mr. KENYON. I suggest the absence of a quorum, Mr. President.

The PRESIDENT pro tempore. The Senator from Iowa suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Cullom	Lea	Root
Borah	Cummins	Lippitt	Sheppard
Bourne	Curtis	Lodge	Smith, Ariz.
Bradley	Dixon	McCumber	Smith, Mich.
Brady	du Pont	Myers	Smith, S. C.
Brandegee	Fall	Nelson	Smoot
Briggs	Fletcher	Newlands	Sutherland
Bryan	Gallinger	O'Gorman	Swanson
Burnham	Gamble	Oliver	Thomas
Burton	Gronna	Owen	Thornton
Catron	Johnson, Me.	Page	Tillman
Chamberlain	Johnston, Ala.	Penrose	Townsend
Clapp	Jones	Percy	Watson
Clark, Wyo.	Kavanaugh	Perkins	Webb
Crane	Kenyon	Pittman	Williams
Crawford	La Follette	Richardson	Works

Mr. SMOOT. I desire to state that the senior Senator from Rhode Island [Mr. WETMORE] is detained from the Senate in the Appropriations Committee.

The PRESIDENT pro tempore. On the call of the roll 64 Senators have answered to their names. A quorum of the Senate is present.

Mr. OWEN. Mr. President, the Chair has submitted to the Senate a point of order made by the Senator from Massachusetts [Mr. LODGE] against the per capita payment to the Choctaws and Chickasaws of $100 and $15 per capita to the Cherokees, on the ground that the rolls have not been completed and that there are approximately several thousand citizens who have not yet been enrolled whose rights might be put in jeopardy. The answer to that is that, even if it were true, their rights would not be put in jeopardy, on the ground that there is an undistributed property of approximately $36,000,000 available to the Choctaws and Chickasaws, which would leave a great abundance, amounting to about a thousand dollars per capita to all the citizens, and the payment of a hundred dollars per capita would not preclude any citizen who might be added afterwards, if any there should be.

Mr. WILLIAMS. Mr. President, I should like to ask the Senator from Oklahoma how would this affect, or would it affect at all, the Mississippi Choctaws?

Mr. OWEN. The Mississippi Choctaws have been enrolled.

Mr. WILLIAMS. Not all of them. A lot of them are now seeking to be enrolled, and a bill is pending in the other House for that purpose. There were many of them in Mississippi who seemed to think it was some white man's scheme, which they did not understand, and so they failed to come up to be enrolled.

Mr. OWEN. The undistributed property of the Choctaw and Chickasaw Nations would be abundantly sufficient to provide for any claimants who have any possibility of being put on the rolls.

Mr. WILLIAMS. The Senator does not think this would affect them?

Mr. OWEN. It could not affect them injuriously in any way. The Senator from Massachusetts has been impressed with the letter of the Secretary of the Interior of April 22, 1912, and he has said that there were 2,675 citizens, as set forth on page 12 of the document from which the Senator read, left off of the rolls. I asked his authority for stating that they were left off the rolls, and the Senator read that letter. I call his attention now to the fact that the Secretary does not say that they ought to be on the rolls; he does not say they were wrongfully left off the rolls. What he does say is, that there were that number of people in four different classes of claimants. That is all he does say, and in closing his letter——

Mr. LODGE. If the Senator will excuse me, the Secretary says that they "appear by reason of their descent and other facts to have been prima facie entitled to enrollment."

Mr. OWEN. From what page is the Senator reading?

Mr. LODGE. Page 12.

Mr. OWEN. I call the attention of the Senator from Massachusetts to this particularly, reading from that same paragraph:

> The total number of cases of this class where the applicants may appear by reason of their descent and other facts to have been prima facie entitled to enrollment can be ascertained from the "census cards" in the office of the Commissioner to the Five Civilized Tribes, and will probably not exceed 140.

Is that the paragraph from which the Senator read?

Mr. LODGE. Yes; that is true.

Mr. OWEN. That is a very different proposition.

Mr. LODGE. Then it goes on——

Mr. OWEN. Then it goes on to enumerate the individuals who might be found, under four classes of claimants, not entitled. At the close of the letter the Assistant Secretary says this—I call the attention of the Senator to the last 8 or 10 lines on page 13:

> The transmission of a copy of this informal paper at this time is not to be taken as a recommendation by the department that legislation be enacted in that form or at all. The purpose of this communication is simply to supply you with such information as the files of the department contain on the subject. It may not be inappropriate to call your attention to the fact that substantially all the information herein has been furnished heretofore, except perhaps that the estimates of the number of cases falling within the several classes are now somewhat more definite.

In other words, the Secretary does not say that these people have been improperly left off. Prima facie there are 140 of them. I call the attention of the Senator to the small number which I thought ought to go on; so these are the only claimants. This whole volume has been printed at the expense of the committee and, as far as I know, without any order of the committee itself. I do not know how it came to be printed. I should like to ask by what authority it was printed?

Mr. GAMBLE. Mr. President, in reply to the interrogation made by the Senator from Oklahoma I will state that the publication referred to was printed at the request of the senior Senator from North Dakota.

Mr. OWEN. It is a very large volume, and a very expensive volume, and I think a large part of it is quite unnecessary for public purposes.

Mr. GAMBLE. It was printed, as I understand, in connection with the bill introduced by the senior Senator from North Dakota.

Mr. OWEN. I should like now to read into the RECORD the act of Congress which I failed to read in the first instance, closing the roll. It is an act passed in 1906, found in volume 34 of the Statutes at Large, part 1, at page 138:

> *Provided*, That the rolls of the tribes affected by this act shall be fully completed on or before the 4th day of March, 1907, and the Secretary of the Interior shall have no jurisdiction to approve the enrollment of any person after said date.

That act was passed on April 26, 1906, giving nearly a full year's notice of the closing of these rolls, after they had been under consideration for 11 years.

The PRESIDENT pro tempore. The question is, Is the amendment in order on the pending bill? [Putting the question.] By the sound the noes appear to have it.

Mr. OWEN. I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. DU PONT (when his name was called). I have a general pair with the senior Senator from Texas [Mr. CULBERSON]. As he is absent from the Chamber, I will withhold my vote.

Mr. WILLIAMS (when his name was called). Transferring my general pair with the Senator from Pennsylvania [Mr. PENROSE] to the Senator from Maryland [Mr. SMITH], I desire to vote. I vote "yea."

The roll call was concluded.

Mr. BRADLEY (after having voted in the negative). I ask whether the Senator from Indiana [Mr. KERN] has voted?

The PRESIDENT pro tempore. The Chair is informed that that Senator has not voted.

Mr. BRADLEY. I withdraw my vote.

Mr. JONES. I desire to announce that my colleague [Mr. POINDEXTER] is detained from the Chamber on important business.

Mr. BRADLEY. I transfer my pair with the Senator from Indiana [Mr. KERN] to the Senator from Wisconsin [Mr. STEPHENSON] and vote. I vote "nay."

The result was announced—yeas 34, nays 37, as follows:

YEAS—34.

Bacon	Johnson, Me.	Percy	Swanson
Chamberlain	Kavanaugh	Pittman	Thomas
Clark, Wyo.	Lea	Pomerene	Thornton
Clarke, Ark.	McCumber	Sheppard	Tillman
Dixon	Martin, Va.	Shively	Watson
Fall	Myers	Smith, Ariz.	Webb
Foster	O'Gorman	Smith, Ga.	Williams
Gore	Overman	Smith, S. C.	
Gronna	Owen	Stone	

NAYS—37.

Borah	Crane	Kenyon	Root
Bourne	Cullom	La Follette	Smoot
Bradley	Cummins	Lippitt	Sutherland
Brandegee	Curtis	Lodge	Townsend
Briggs	Dillingham	Nelson	Warren
Bristow	Gallinger	Oliver	Wetmore
Brown	Gamble	Page	Works
Burnham	Guggenheim	Penrose	
Burton	Jackson	Perkins	
Catron	Jones	Richardson	

NOT VOTING—24.

Ashurst	Crawford	Johnston, Ala.	Poindexter
Bankhead	Culberson	Kern	Reed
Brady	du Pont	McLean	Simmons
Bryan	Fletcher	Martine, N. J.	Smith, Md.
Chilton	Gardner	Newlands	Smith, Mich.
Clapp	Hitchcock	Paynter	Stephenson

The PRESIDENT pro tempore. It is declared that the amendment is not in order, and the point of order is sustained.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 43, after line 7, to insert:

> For expenses incident to and in connection with collection of rents of unallotted lands and tribal buildings, such amount as may be necessary: *Provided*, That such expenditures shall not exceed in the aggregate 10 per cent of the amount collected.

Mr. CLARK of Wyoming. Mr. President, I hardly understand what that language means. I should like to have the chairman of the committee tell us.

Mr. GAMBLE. There is quite a good deal of land unallotted, and in connection with the leases there is quite a good deal of disbursing to be done. It is proposed, in the leasing of the allotments, to create in this way an administrative fund for the conduct of that particular business. It is recommended by the department.

Mr. CLARK of Wyoming. Mr. President, at the present time these leases are prepared through the Department of the Interior, by the authorized agents and employees of that department. It occurs to me that this is an indirect way of making an additional appropriation for the working force of the Indian Bureau.

Mr. GAMBLE. No; I think the Senator is mistaken in that, because the money is collected from these particular leases and is paid to the administrative officers who have to do particularly with this matter.

Mr. CLARK of Wyoming. Are they not already on the pay roll of the Government?

Mr. GAMBLE. No; I think not.

Mr. CLARK of Wyoming. Then who executes these leases on the part of the Government and the Indians? By whom is this work of collection done for which it is sought to charge 10 per cent of the amount collected?

Mr. GAMBLE. It is done by the superintendent, and the leases are executed by the Commissioner of the Five Civilized Tribes.

Mr. CLARK of Wyoming. That is it exactly. The collection is made by the superintendent, who is a salaried officer of the United States. The leases are made by the Commissioner of the Five Civilized Tribes, who is also an officer of the United States and paid by the United States. Now it is sought to charge these very lands of these Indian tribes with a 10 per cent collection fee for his services, as I understand.

Mr. GAMBLE. As I understand, Mr. President, these lessees are at times far removed from the superintendent's office. It is necessary that employees go out, at some expense, to look after the details of the leases. This amendment simply provides for expenses incident to and in connection with the collection of the rents. It is not to create any particular fund. It is only to pay for the actual disbursements in connection with that particular business.

Mr. CLARK of Wyoming. As it reads, Mr. President, this is an absolute charge for the collection of lease money, for the collection of rents. They certainly do not have to go out to the residences of the lessees in order to collect the rents. There must be a provision somewhere that these rents shall be paid; and it seems to me that even if there were not, 10 per cent is an exorbitant commission to pay for the collection of lease money. I am asking for information.

Mr. GAMBLE. This 10 per cent is simply a limitation. Of course, they are to be charged only for the actual expenses. If the Senator feels disposed to object to it——

Mr. CLARK of Wyoming. I do not wish to object to it, but I want some information about it.

Mr. GAMBLE. There was a full hearing before the committee, and it was recommended by the department, and was especially recommended by the Committee on Indian Affairs. I will read the substance of the recommendation.

Mr. CLARK of Wyoming. I can understand that it was recommended by the department, but I want to say to the Senator that I do not always follow the recommendation of a department or a bureau of a department as to the expenses that are to be incurred and charged.

Mr. OWEN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Wyoming yield to the Senator from Oklahoma?

Mr. CLARK of Wyoming. I do. I think perhaps the Senator from Oklahoma can give the information I want.

Mr. OWEN. I think I can give the Senator the information he desires. If it were not for this provision, the expense of collecting these rentals would come out of the Federal Treasury. The Federal Government agreed to allot the lands, but did not feel bound to pay out of the Federal Treasury the expenses outside of the allotting of the lands. In the handling of the unallotted lands the Government did not feel charged with the duty of taking the expenses involved out of the Federal Treasury. For that reason this provision permits the expense of collecting these rents to come out of the rents themselves. That is the purpose of it.

Mr. CLARK of Wyoming. That is a better explanation. I wanted to understand about it, because it seemed to me a rather extortionate fee for the Government as a real-estate agent to charge these Indians.

Mr. TOWNSEND. Mr. President, may I ask the Senator from Oklahoma if he is quite clear that the language used there necessarily makes this a payment out of the Indian fund?

Mr. OWEN. The language is:

For expenses incident to and in connection with collection of rents of unallotted lands and tribal buildings, such amount as may be necessary: *Provided*, That such expenditures shall not exceed in the aggregate 10 per cent of the amount collected.

It is intended by the department—that is their practice—to take it out of the rents collected, so as not to charge it on the Federal Treasury, but to charge it against the lands themselves.

Mr. TOWNSEND. I submit that the language used does not say that. We are making appropriations out of the Federal Treasury, unless it is explicitly stated that the money shall come out of the Indian fund. We say that for meeting those expenses an amount not exceeding a certain limit, which is 10 per cent, shall be collected.

Mr. OWEN. But there is no money at all appropriated here. It only provides such an amount as may be necessary out of the amount collected. I do not think it could bear any other construction than that it should be a part of the amount collected. If the Senator thinks so, however, he might suggest an amendment which will perfect it in that respect.

Mr. TOWNSEND. I will do that later, if I may have permission.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 43, after line 12, to insert:

That where any cemetery now exists within the lands of the Five Civilized Tribes, said land within said cemetery, together with the land adjoining the same, where necessary, not exceeding 20 acres in the aggregate to any one cemetery, shall be transferred by the Secretary of the Interior to the proper party, association, or corporation, or to the county commissioners of the State of Oklahoma, for cemetery purposes only, under such terms, conditions, and regulations as he may prescribe: *Provided*, That application to purchase the same for such purpose is made within 60 days from the date of the approval of this act.

Mr. GAMBLE. Mr. President, I move to strike out the proviso after the word "prescribe" in line 21—lines 21, 22, and 23.

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The SECRETARY. On page 43, in lines 21, 22, and 23, it is proposed to strike out the proviso, which reads as follows:

Provided, That application to purchase the same for such purpose is made within 60 days from the date of the approval of this act.

Mr. GAMBLE. After the word "prescribe" there should be a period.

The PRESIDENT pro tempore. Certainly.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. TOWNSEND. Mr. President, I wish to offer an amendment to the amendment of the committee, in line 10, page 43, after the word "necessary" and before the colon, to insert "which amount shall be paid out of the tribal fund."

The PRESIDENT pro tempore. Without objection, the vote whereby the amendment was agreed to will be reconsidered. The Senator from Michigan offers an amendment to the amendment, which will be stated.

The SECRETARY. On page 43, after the word "necessary" and before the colon, it is proposed to insert a comma and the following:

Which amount shall be paid out of the tribal fund.

Mr. TOWNSEND. It has been suggested that that should come after the word "collected," in line 12.

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The SECRETARY. On page 43, line 12, after the word "collected" and before the period, it is proposed to insert a comma and the following:

Which amount shall be paid out of the tribal fund.

Mr. OWEN. I suggest that if it were worded "out of such tribal fund," it would keep it within the regular practice.

Mr. TOWNSEND. Very well; I accept that change.

The amendment, as modified, to the amendment of the committee was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 43, after line 23, to insert:

For payment of salaries of employees and other expenses of advertisement and sale in connection with the disposition of the unallotted lands and other tribal property belonging to any of the Five Civilized Tribes, to be paid from the proceeds of such sales when authorized by the Secretary of the Interior, as provided by the act approved March 3, 1911, not exceeding $40,000, reimbursable from proceeds of sale.

The amendment was agreed to.

Mr. GAMBLE. Mr. President, I move to strike out lines 7 to 14, inclusive, on page 44. It is a duplication in the printing of the bill that has already been passed upon.

The PRESIDENT pro tempore. The Senator from South Dakota moves to disagree to the amendment on page 44, lines 7 to 14, both inclusive.

The amendment was rejected.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 45, after line 9, to insert:

For settling land suits in eastern Oklahoma, $10,000, reimbursable from fees which may be imposed by the Secretary of the Interior in relation thereto: *Provided*, That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to validate by approval any instrument purporting to be a deed of conveyance or contract for title of allotted lands of the Five Civilized Tribes made prior to the removal of restrictions and before January 1, 1912, in the following cases, to wit:

First. When the purchase or contract was made in good faith, and no fraud was practiced, and the Indian allottee was actually paid the reasonable value of the land.

Second. When the purchase or contract was made in good faith and no fraud was practiced, but when the consideration paid was not sufficient to cover the reasonable value of the land conveyed: *Provided*, That in this class of cases the settlement can only be made upon the condition that the Secretary of the Interior be paid for the benefit of the allottee a sum sufficient to make up the reasonable value of such lands: *Provided further*, That the settlement in either case shall be made upon such terms of settlement as the Secretary may deem just, proper, and equitable, and under such rules and regulations as he may prescribe, and upon such settlement suit, if any, instituted at the request of the Secretary of the Interior, shall be dismissed without cost to the defendant.

Mr. LODGE. I make the point of order on that amendment that it is clearly general legislation and contains an appropriation not estimated for.

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

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 46, after line 9, to insert:

That the Secretary of the Interior is hereby authorized to permit the sale or exchange of the restricted land of any Indian of any tribe in Oklahoma and invest all or part of the proceeds of any sale which has been or may be made for the benefit of said Indian and his heirs or legal representatives, the property so secured to be held for the use and benefit of such Indian, subject to the same conditions, limitations, and

restrictions as imposed by law upon the original lands sold or exchanged by such Indian or Indians. Title to the land secured by purchase or exchange shall be taken and held in the name of such Indian: *Provided*, That the provisions of this act shall apply also to the investment of funds of Indians of the class subject to restriction, but who have not been allotted lands and have or may hereafter have moneys in the custody of the United States to their credit.

Mr. KENYON. I make the point of order that this is general legislation attached to an appropriation bill.

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

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, at the top of page 47, to insert:

That hereafter the Commissioner of Indian Affairs is authorized, in his discretion, to withhold any annuities or other payments due to Osage Indian minors, above 6 years of age, whose parents fail, neglect, or refuse to place such minors in some established school for a reasonable portion of each year and to keep such children in regular attendance thereof. The Commissioner of Indian Affairs is authorized to make such rules and regulations as may be necessary to put this provision into force and effect.

The amendment was agreed to.

The next amendment was, on page 47, after line 9, to insert:

That the Secretary of the Interior is hereby authorized to pay out of any funds of the Creek, Cherokee, Choctaw, Chickasaw, and Seminole Nations on deposit in the Treasury of the United States the proportionate cost of street paving and construction of sidewalks abutting on unsold lots belonging to any of said tribes and as may be properly chargeable against said town lots, said payments to be made upon submission of proof to said Secretary of the Interior showing the entire cost of the said street paving and sidewalk construction and that said improvement was duly authorized and undertaken in accordance with law: *Provided*, That the Secretary of the Interior shall be satisfied that the charges made are reasonable and that the lots belonging to the above-mentioned tribes against which the charges were made have been enhanced in value by said improvements to not less than the amount of said charges.

The amendment was agreed to.

The next amendment was, on page 47, after line 24, to insert:

That the Secretary of the Interior be, and he is hereby, authorized to use so much of the funds of the Muskogee or Creek Tribe or Nation of Indians now in the custody of the United States or which may hereafter come into possession of the Government, not otherwise appropriated, as may be necessary for payment to each enrolled member of sad tribe or nation who has received an allotment less than $800 in value of such sum as will, together with the amount representing the value of said allotment according to the appraisement thereof by the Commission to the Five Civilized Tribes for purposes of classification and allotment, aggregate $800 in amount; and said payment shall be made by the Secretary of the Interior under such rules and regulations as he may prescribe to the persons entitled thereto or their lawful heirs, and there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated belonging to the Creek Tribe of Indians, the sum of $10,000, or so much thereof as may be necessary, for the purpose of defraying the expenses of making the payment herein authorized: *Provided*, That the Secretary of the Interior may, in his discretion, withhold the amount due any minor until he shall become of age: *Provided further*, That money due restricted Indians in lieu of allotments shall be subject to supervision and disposition as in the case of funds arising from the sale of lands allotted to Indians of the same class.

Mr. CURTIS. Mr. President, I make a point of order against that amendment on the ground that it is in violation of Rule XVI, paragraph 3, being general legislation. It repeals the act of March 3, 1909, which, if the Chair desires, or if it is contested, I will gladly read.

The act referred to provides that—

The Secretary of the Interior is directed, immediately after July 1, 1909, and prior to December 1, 1909, to pay allottees out of the funds of the Creek Nation the amounts severally due for the equalization of their allotment. In making such payment for the equalization of the Creek allotments $800 shall be taken as the standard value of an allotment: *Provided*, That the payment of such funds for the equalization of allotments shall be a final and conclusive settlement of all claims for the equalization of allotments in the Creek Nation: *And provided further*, That as a condition precedent to any such payment the Creek National Council shall pass an act, in form approved by the Secretary of the Interior, discharging the United States from all claim and demand on this account.

This amendment merely repeals that act.

Mr. GORE. Mr. President, I think the pending amendment is objectionable on other grounds as well, but I should like to ask the Senator from Kansas whether as an amendment to the amendment it would be satisfactory to him, instead of saying "enrolled members" to say "agreement members"? If this is passed, it will involve the Indians in further litigation. I think if we would change that word it would not change the existing status of these Indians.

Mr. CURTIS. I can not agree with the Senator. I think any payment would involve the Government and might make a liability for which the Government is not responsible. I therefore object to any amendment.

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

The next amendment was, at the top of page 49, to insert:

That the Secretary of the Interior be, and he is hereby, authorized to approve an order for the removal of restrictions upon alienation from the southwest quarter of the southeast quarter of section 17, township 25 north, range 24 east, of the Indian meridian, Oklahoma, the homestead allotment of R. S. Kariho (or Service Kayrahoo), Seneca allottee No. 53, such removal of restrictions to become effective only and simultaneously with the execution of a deed by said allottee to the purchaser after said land has been sold in compliance with the directions of the Secretary of the Interior.

Mr. CURTIS. I make the point of order against this amendment on the ground that it is general legislation on an appropriation bill. I know nothing about the facts in this case; I was not present when the item was put in the bill; but I hope Congress will not return to the old practice of removing restrictions in an appropriation bill.

Mr. GAMBLE. I do not know that I care to make any comments in regard to the objection raised by the Senator from Kansas. This case peculiarly appealed to the Committee on Indian Affairs. It appears that this man is ill, suffering with tubercular trouble. His allotment is in a locality where it is impossible for him to live, and if an exchange could be made and he could go into a milder climate, under the direction of the Secretary of the Interior, his life might be saved. He seems to be a very intelligent, capable man. He was in the Spanish-American War. He is an educated Indian.

Mr. CURTIS. I will ask the chairman of the committee if the amendment is recommended by the department?

Mr. GAMBLE. Yes; it is recommended by the Interior Department. The amendment was submitted by the chairman of the committee at the request of the department.

Mr. CURTIS. In view of the statement of the chairman, I will withdraw the point of order.

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

Mr. CURTIS. But I wish to state that I pointed out in 1907 where the restriction had been removed in 14 cases, and in 13 out of the 14 the Indians had been robbed of their rights. I hope, as I said a moment ago, that Congress will not return to the plan of removing restrictions in an appropriation bill. If this is to be looked after by the Secretary of the Interior, I have no objection to the removal of the restriction in this one case.

The amendment was agreed to.

The next amendment was, on page 49, after line 11, to insert:

All contracts, written or verbal, purporting or intended to authorize any person or persons, directly or indirectly, to represent the Creek Nation or any member or members thereof in respect to the payment, distribution, or any other disposition of money or other property of the said nation held by or under the supervision of the United States, shall be absolutely void and incapable of ratification or confirmation unless the consent of the Secretary of the Interior and approval of Congress shall have previously been given in writing to the person claiming thereunder to negotiate such contract, and unless such contract shall be approved as required by section 2103 of the Revised Statutes of the United States, and any person who shall secure or attempt to secure any such contract without the consent of the Secretary of the Interior, or demand or attempt to collect or receive any money payment or any other consideration under any such contract not approved as herein required, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by fine of not less than $500 or imprisonment for not more than six months, or by both such fine and imprisonment, at the discretion of the court.

Mr. KENYON. I make the point of order that this amendment is general legislation on an appropriation bill.

Mr. GORE. Mr. President, undoubtedly the point of order raised by the Senator from Iowa would be sustained, but I hope the Senator will withdraw it. This simply throws about these Indian tribes and about the individual members of the tribes a protection to which they are entitled. The failure to enact this legislation at this time would expose them to the wiles of certain designing attorneys.

I think this amendment would afford them protection if adopted now. If it should go over until another session, perhaps contracts that may be embarrassing hereafter may be entered into by these Indians.

I feel sure that the amendment is in harmony with the general views entertained by the Senator from Iowa and that it would further the objects which he would desire to accomplish.

Mr. KENYON. My purpose has been along the line of trying to protect the Indian. I have such great confidence in the Senator from Oklahoma that I accept what he says as to this amendment, and I will withdraw the point of order.

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

Mr. GORE. I move to amend the amendment by striking out the words "Creek Nation" and inserting "any of the Five Civilized Tribes."

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The SECRETARY. On page 49, line 14, strike out "Creek Nation" and insert "any of the Five Civilized Tribes."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 50, after line 8, to insert:

That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to approve the assessments, together with maps showing right of way and definite location of proposed drainage ditches and levees made under the laws of the State of Oklahoma upon the allotments of restricted allottees of the Creek Nation in the Verdigris drainage district No. 1, in Wagoner County, Okla.

Mr. LODGE. I think the next two amendments are both a part of this amendment. If I am not mistaken, they ought to go as one amendment. I have no objection to them that I know of, but I think it is all one amendment.

Mr. GAMBLE. It is all one amendment, Mr. President.

The PRESIDENT pro tempore. The next two paragraphs will be read.

The SECRETARY. The committee also report to insert, on page 50, after line 15, the following:

That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to pay amounts assessed against each of said allotments: *Provided*, That said assessment shall not exceed $5 per acre on any allotment or portion thereof, and there is appropriated for said purposes, out of any money in the Treasury not otherwise appropriated, the sum of $20,000, to be immediately available, said sum to be reimbursable from rentals from said allotments, not to exceed 25 per cent of the amount of rents received annually, or from any funds belonging to said allottees, in the discretion of the Secretary of the Interior.

That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to approve such deeds for right of way from said allottees or their heirs as may be necessary to permit the construction and maintenance of said drainage ditches and levees upon the payment of adequate damages therefor.

The amendment was agreed to.

Mr. GAMBLE. I submit the following amendment, to come in after line 10, on page 51. I call the attention of the Senator from North Dakota [Mr. MCCUMBER] to it. It is the loyal Creek claim. There was a misapprehension, if I may be justified in saying so, on the part of the senior Senator from North Dakota as to whether it was made an amendment in the consideration by the Committee on Indian Affairs of the Senate, and, rather than do him any injustice or any discourtesy, I suggested to him that I would myself offer the amendment. It has provoked some discussion on the floor of the Senate heretofore.

The PRESIDENT pro tempore. The amendment submitted by the Senator from South Dakota will be read.

The SECRETARY. On page 51, after line 10, insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $600,000, to be immediately available, the same to be paid and disbursed as herein provided; said amount being the balance and final payment due the loyal Creek Indians on the award made by the Senate on the 16th day of February, 1903, said award being made in pursuance of the provisions of section 26 of an act to ratify and confirm an agreement with the Muskogee, or Creek, Tribe of Indians, and for other purposes, approved March 1, 1901; such payment to be made in accordance with the terms and provisions of said award as the same appears on page 2252 of the CONGRESSIONAL RECORD, volume 36, part 3, Fifty-seventh Congress, second session. The Secretary of the Treasury being hereby authorized and directed to pay, under the direction of the Secretary of the Interior, to the loyal Creek Indians and freedmen named in articles 3 and 4 of the treaty with the Creek Nation of Indians of June 14, 1866, the said sum of $600,000 to be paid to such Indians and freedmen only whose names appear on the list of awards made in their behalf by W. B. Hazen and F. A. Field, as commissioners on behalf of the United States to ascertain the losses of said Indians and freedmen as provided in said articles 3 and 4; and such payments shall be made in proportion of the awards as set out in said list: *Provided*, That said sum shall be accepted by said Indians in full payment and satisfaction of all claim and demand growing out of said loyal Creek claims, and the payment thereof shall be a full release of the Government from any such claim or claims: *Provided, however*, That if any of said loyal Creek Indians or freedmen whose names are on said lists of awards shall have died, then the amount or amounts due such person or persons, respectively, shall be paid to their heirs or legal representatives: *And provided further*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to first withhold from the amount herein appropriated and pay to S. W. Peel, of Fayetteville, Ark., the attorney of said loyal Creeks and freedmen, a sum equal to 10 per cent of the amount herein appropriated, as provided for by written contract between the said S. W. Peel and the claimants herein, the same to be payment in full for all legal and other services rendered by him, as provided for by said contract, or those employed by him, and for all disbursements and other expenditures had by him in behalf of said claimants, in pursuance of said contract: *And provided further*, That said Secretary is authorized and directed to pay to David M. Hodge, a Creek Indian, of Tulsa, in the Creek Nation, a sum equal to 5 per cent of the amount herein appropriated, which payment shall be in full for all claims of every kind made by said David M. Hodge, or by those claiming under him, by reason of any engagement, agreement, or understanding had between him and said loyal Creek Indians.

Mr. CURTIS. I make the point of order against this amendment on two grounds: First, it is general legislation on an appropriation bill, and, second, it is a claim. In pursuance of the provision of section 26 of an act to ratify and confirm the agreement with the Muskogee or Creek Tribe of Indians, and for other purposes, passed March 1, 1901, this claim was allowed in the sum of $600,000, and the act provides "and the same is hereby appropriated, out of any money in the Treasury not otherwise appropriated, and made immediately available," with this further condition:

That said sum shall be accepted by said Indians in full payment and satisfaction of all claims and payment growing out of said loyal Creek claim, and the payment thereof shall be a full release of the Government from any such claim or claims.

Under that act of Congress $600,000 was paid. This amendment repeals that act of Congress, and is clearly general legislation upon an appropriation bill.

Mr. MCCUMBER. Mr. President, this matter has been submitted to me for investigation once or twice, and I have reported upon it as a subcommittee of the Committee on Indian Affairs. I wish it was possible to get the real consideration of the Senate upon this question once, consideration not only of its merits, but consideration of the point that is raised. It is impossible to present to the Chair my views as to the point of order without to some extent going into the claim itself. I will be, however, extremely brief in that matter to show that the point of order does not and can not lie to this amendment.

We will have to go back to the treaty of 1866, made between the United States and the loyal Creeks. Under that treaty 3,250 acres of land was transferred from the loyal Creeks to the United States. It was transferred for a consideration of about 30 cents an acre. Then, as a part of the consideration of that treaty—and this is the point that I also desire to make with the Chair—as a part of that treaty and as a part of the consideration the treaty further provides that immediately after the ratification thereof the United States should ascertain the amount due the respective soldiers who enlisted in the Federal Army, loyal refugee Indians, and freedmen in proportion to their losses and pay the amount awarded each; also that the Indian agent should prepare a roll of such Indians and freedmen; that the superintendent of Indian affairs for the southern superintendency and the Indian agent should investigate and determine from such roll the amounts due the respective Indians and transmit such awards to the Secretary of the Interior for his approval.

Pursuant to the terms of the treaty Brig. Gen. W. B. Hazen, superintendent of Indian affairs for the southern superintendency, and Capt. F. A. Field, Indian agent to the Creek Nation, and both Regular Army officers, were appointed July 21, 1869, as commissioners to make up the roll of said loyal Creek Indians, ascertain their losses, and make the awards due on their respective claims.

It is unnecessary, Mr. President, for me to go back and show the suffering of these loyal Creeks, who were loyal to the northern cause during the war, and the destruction of their property by the Confederacy, and what they suffered because of their loyalty.

The report of the commission, made February 14, 1870, shows claims presented in the amount of $5,090,808, approximately $5,000,000. Awards were made by them in the amount of $1,836,830. Now, remember that the claim was $5,000,000. It was investigated by the Army officers, and they cut the claim down to $1,836,830. The total award thus made was approved by the Commissioner of Indian Affairs, and on the 5th day of September, 1870, the Secretary of the Interior approved the same, but only to the extent of $100,000.

Mr. President, I want the Senate to understand that this was a claim of $5,000,000; that it was investigated by a commission appointed for that purpose; that the commission found nearly $2,000,000 to be their just dues—that is, $1,836,830. September 27, 1897, the Commission to the Five Civilized Tribes concluded an agreement with the Creek Nation, which provided, among other things, that the loyal Creek claim should be submitted to the Senate as a board of arbitration, whose finding should be final, and that any money found to be due the Creek Nation, or any individual thereof, should be paid at once.

They had waited all the years, from 1868 until 1897, in order to secure the payment of what the Government declared in its treaty it would pay, and upon an investigation of that subject by a commission appointed by the Government to determine what the losses should be.

It is one of the cases which clearly shows what little opportunity these Indians seem to have to get their claims through Congress after they have been determined and adjudicated. The pages of the history of our dealings with the Indian tribes of the country from beginning to end are black pages in which we have failed, knowingly and willfully failed, to fulfill our agreements with the Indians. Whenever Congress has felt that it was appropriating too much and wanted to cut down and save on appropriation, we have been in the habit of taking it out of the Indian appropriation bill and refusing to carry out our honest obligations made with the Indians—made with the wards of our own country.

Although this agreement was ratified and confirmed by the act of Congress approved June 27, 1898, nothing was done by the United States to carry out its terms. Under the date of March 8, 1900, the Commission to the Five Civilized Tribes concluded another agreement with the Indians, which was ratified by an act of Congress approved March 1, 1901. With reference to the loyal Creek claim, section 26 of the latter agreement is in its terms almost identical with the terms of the prior agreement. These are the terms, Mr. President:

All claims of whatsoever nature, including the "loyal Creek claims," under article 4 of the treaty of 1866, etc., shall be submitted to the Senate of the United States for determination; and within two years from the ratification of this agreement the Senate shall make final determination thereof; and in the event that any sums are awarded the said tribe, or any citizen thereof, provision shall be made for immediate payment of the same.

Early in the first session of the Fifty-seventh Congress a memorial praying the Senate to act in conformity with section 26 of the agreement of March 8, 1900, was presented to the Senate and was duly referred to the Committee on Indian Affairs for investigation.

Remember that we had made an agreement that we would submit the question of what we should pay of the award that had already been made to the Senate of the United States as a court of arbitration to determine that question, not to the Congress of the United States to determine what should be appropriated, but to the Senate of the United States to determine what ought to be appropriated by the Congress of the United States.

The committee examined the treaties and records, heard testimony, arguments were made, briefs were submitted by counsel, and finally the committee reported in the Fifty-seventh Congress its findings to the Senate in an amendment to the appropriation act, which I shall read.

Mr. President, remember that first we made the agreement that we would pay them their losses. We then, in conformity with that agreement, appointed commissioners, and the commissioners found their losses to be $1,800,000. We delayed acting on that for years. Then they proceeded again and asked us to act under the provisions of that treaty. We then made another agreement with them that we would reconsider the matter by the Senate, and the Senate should determine whether or not we should keep an agreement that we had made with them some 40 years before.

This is the reported amendment, and I ask the Chair and the Senate to understand what that amendment was by the Committee on Indian Affairs, to which this application was presented, to have the Senate of the United States act as a court of arbitration. It was as follows:

In pursuance of the provisions of section 26 of an act to ratify and confirm an agreement with the Muskogee or Creek Tribe of Indians, and for other purposes, approved March 1, 1901, there is hereby awarded, as a final determination thereof, on the so-called "loyal Creek claims"—

Now, mark the words. "There is hereby awarded," not an appropriation, not that there is hereby appropriated a certain sum, but there is hereby awarded—

on the so-called "loyal Creek claims" named in said section 26 the sum of $1,200,000.

In other words, after failing to comply with our agreement and failing to appropriate the sum of $1,800,000, and after waiting about 40 years, we then agree to pay them very much less than what our original agreement was—a very worthy act on the part of the United States to its wards—

named in said section 26 the sum of $1,200,000, and the same is hereby appropriated, out of any money in the Treasury not otherwise appropriated, and made immediately available. And the Secretary of the Treasury is hereby authorized to pay, under the direction of the Secretary of the Interior, to the loyal Creek Indians and the freedmen named in articles 3 and 4 of the treaty with the Creek Nation of Indians of June 14, 1866, the said sum of $1,200,000, to be paid such Indians and freedmen only whose names appear in the list of awards made in their behalf by W. B. Hazen and F. A. Field, as commissioners on behalf of the United States to ascertain the losses of said Indians and freedmen as provided in said articles 3 and 4; and such payments shall be made in proportion of the awards as set out in said list, and shall be in full settlement and satisfaction of all claims under said articles 3 and 4, etc.

This matter then came before the Senate upon this report of the Committee on Indian Affairs that the Senate should arbitrate and should award $1,200,000 in full payment of this claim. It was passed by the Senate February 16, 1903.

Now, I want the Chair and the Senate to understand whether or not we acted in fact as a court of arbitration upon this question.

Let us remember, first, Mr. President, that there is no provision under the Constitution for the Senate ever acting as a board of arbitration or as a court of arbitration. There is no power by which we could call the Senate together for any such purpose. Nevertheless the Senate when it is assembled may act as a court of arbitration, but it must act as such under a proper bill; and the only way that this matter could be brought before the Senate to secure an award would be by a bill in which that award were made manifest. That is exactly what the Committee on Indian Affairs did in bringing the matter to the attention of the Senate.

The Senate was not unmindful at that time of what it was doing. It understood thoroughly that it was acting as a court of arbitration. Senator Quarles, who, as I understand, then had the bill in charge, before voting upon this provision made this statement to the Senate:

That determination of the Senate upon this proposition will amount to an award from which an action will lie quite independently of the fate of this provision in the other House of Congress.

Can anyone conceive of language that could be more clear and definite that, in passing upon the first provision in that clause which was reported to the Senate, we were acting as a court of arbitration in fixing the amount, and that amount would be due under a contractual obligation, even though we were unable in that instrument to succeed in getting the other House to agree with us as to what amount should be appropriated to carry it into effect?

We voted, Mr. President, an award of $1,200,000 in full payment of a previous agreement to pay $1,800,000. The question was voted upon by the Senate with a clear understanding that it was granting that award. The bill in which the award was contained of course had to go to the other House. The other branch of Congress cut down the $1,200,000 to exactly $600,000, and also provided that the Indians receiving this award should sign an agreement—that our wards should sign an agreement—with this great Nation that is bound to protect them, that they would accept in full payment one-half of that which the Nation had acknowledged was absolutely due them.

Well, the contract was signed; they received the $600,000; and they signed receipts to the effect that the same was received in full. Is the United States in a position to claim, with its own wards, that with an imposition upon those wards to compel them to sign a release upon consideration of their receiving less than the amount due was fair and full compensation? Why, as between individuals no court on the face of the earth would ever allow a receipt in full for less than the amount acknowledged to be due to operate as a bar against the collection of the balance that would be due. If it would not be a bar in a court of law as between individuals of equal understanding, morally it ought not to be so when the contract is between guardian and ward, and where the guardian seeks to force the ward to accept less than the amount due.

Mr. President, that is practically all that there is in this case: First, we made our agreement in 1866 to pay the loyal Creeks the amount of their losses; secondly, in 1899, pursuant to that agreement, we investigated their losses, and we fixed the amount at $1,800,000. We agreed then and there with them that we would pay that $1,800,000. After the lapse of many years, and failing to comply with the terms of our contract, we made another agreement with them, that we would submit the question to the Senate of the United States for arbitration whether we should be bound by an obligation which we were morally bound to fulfill. We did submit that question for arbitration and all under the same treaty, because it is recited that it was under that treaty of 1866. The Senate did so arbitrate. Then the other House cut down the amount from $1,200,000 to $600,000.

The whole claim of the point of order is based upon the assumption, Mr. President, that the act of the Senate was not complete in itself until the bill had gone to the other House and had come back to the Senate for its consideration, and that the Senate in then agreeing to the $600,000 which was allowed by the other House had practically fixed its award at $600,000.

It is sufficient in law to answer that with the statement that when a court of arbitration has acted upon a matter submitted to it and has rendered its judgment, it then dissolves as a court of arbitration and has no power to take up the same subject at any subsequent time, or to change the award which it had given. The amount that was paid was paid under the appropriation portion of the bill, which bill contained the award, and it could not affect the award itself. If it could, why, then, you have got to go to the contract, to submit the question to the Senate of the United States, a construction that would mean that it would be submitted to the Congress of the United States. That was not the agreement, and it does sufficiently answer that statement.

So, Mr. President, upon the question of the propriety, the right, and the merit of this claim, I can only say that it ought to be paid now. Upon the question of the award, it is clearly

one that can not be changed by the Senate after the Senate has once made it.

Mr. CURTIS. Mr. President, I might state that there is another side to this case. I do not believe it worth while to go into the other side at this time, however. This same amendment has been upon two different occasions previously ruled out of order, once by Vice President Fairbanks, whose opinion will be found on page 84 of Decisions of Points of Order, and subsequently by Vice President Sherman, whose opinion will be found in the CONGRESSIONAL RECORD of January 24, 1911. I might add that later an appeal was made to the Senate, and that the Senate sustained the ruling of the Chair. As was said by Vice President Fairbanks—

> The Chair is of the opinion that in determining the parliamentary question which is raised, it is impossible for him to go back of the act of Congress of 1903 and consider any agreements, awards, or settlements which may have been made prior thereto. The Congress has spoken upon the question, and it is not within the province of the Senate to set aside, nor is it within the province of the Chair to ignore, its deliberate, conclusive action. It is provided in the act as follows.

That is the act which I read a few moments ago.

If the Chair desires to hear further, I would gladly go into the facts, but it does seem to me that on these two decisions alone the Chair is justified in acting.

Mr. McCUMBER. Mr. President, the point I should like to have the Chair distinguish is whether or not the arbitration of the Senate was concluded when it voted, under the statement made by the committee, to grant $1,200,000—whether that was the arbitration or otherwise. If that was the arbitration, then of course the act of the other House in cutting down the amount to $600,000 would be an act introducing another factor into the arbitration that was not contained in the agreement.

Mr. CURTIS. Mr. President, the so-called award was placed in an appropriation bill, and it could not become conclusive or effective until that bill became a law. It would be the law as written in that bill as finally approved. That was the point that was discussed by Vice President Fairbanks in the chair, and which was settled by him in this case. I say, if an argument is desired upon the merits of this case, there is another side to it, and, as was contended by the House conferees, if there had been a full hearing it is doubtful whether anything would have been allowed to those people.

The PRESIDENT pro tempore. Will the Senator from Kansas kindly give the Chair the citation showing the ruling of Vice President Sherman?

Mr. CURTIS. It will be found on page 1357 of the RECORD of January 24, 1911.

The PRESIDENT pro tempore. Will the Senator kindly send the book to the desk? The Senator need not read it.

Mr. CURTIS. I take pleasure in sending the volume to the Presiding Officer.

Mr. OWEN. Mr. President, I want to call the attention of the Senator from Kansas to the fact that when that item came before the Senate, although a part of an appropriation bill, that item as such was presented to the Senate in the nature of a proposed award. The Senate, having the legal right to make the award, both Houses of Congress and the President having agreed that the Senate should exercise the authority as a court of arbitration in making the award, the Senate being admonished that its action on that item was to be an award, and having made it, does the Senator from Kansas propose that if the other branch of this Congress should have struck that item out proposing to pay the award it would not have been an award at all?

Mr. CURTIS. Mr. President, if the Senator from Oklahoma asks me the question, I will say that I claim that there never was an award in this case. It was not submitted to the Senate, and by the Senate to the Committee on Indian Affairs as a board of arbitration, as was done in the loyal Seminole case. That was referred by a separate proposition, acted upon separately, brought in separately, and a regular award made. This was submitted by the reference of a memorial to the Committee on Indian Affairs, and the Committee on Indian Affairs, in acting upon it, placed it in an Indian appropriation bill. So no matter what statement was made upon the floor of the Senate, or any other place, the award was not complete until the bill became a law, but the bill became a law with a provision for $600,000 in it, on the condition that those people should accept it in full settlement. They did accept it; they gave their receipts in full; and now these gentlemen hope to again open up this question. I was one of the conferees on the part of the House and know the item would not have been left in the bill if it was not understood that the Indians would accept the amount in full settlement.

The PRESIDENT pro tempore. The Chair is prepared to rule on the question.

Mr. OWEN. Mr. President, before the Chair makes the ruling, I wish to at least submit and record some observations with regard to this claim. These loyal Creeks were faithful to the Government during a time which tried men's souls. They stood loyal to the Government at the peril of their own lives. Their property was destroyed by the forces that opposed the United States. They had a treaty pledging to them the safety of their property. The United States had guaranteed by treaty to protect their property. The United States was unable to discharge that obligation when the war came on, but, nevertheless, when that war was over the United States, recognizing its previous treaty obligations, in 1866 entered into a new treaty with them containing the provision in article 4, as follows:

> Immediately after the ratification of this treaty the United States agree to ascertain the amount due the respective soldiers who enlisted in the Federal Army, loyal refugee Indians and freedmen, in proportion to their several losses, and to pay the amount awarded each in the following manner——

Mr. CURTIS. Mr. President, may I ask the Senator a question?

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

Mr. OWEN. I yield to the Senator from Kansas.

Mr. CURTIS. May I ask the Senator why he did not read all of that section and also read the previous section? Article 3 of the Creek treaty of 1866 stipulates:

> One hundred thousand dollars shall be paid in money and divided to soldiers that enlisted in the Federal Army and the loyal refugee Indians and freedmen who were driven from their homes by the rebel forces, to reimburse them in proportion to their respective losses.

And the last part of the article read by the Senator states:

> In case the awards so made shall be duly approved, said awards shall be paid from the proceeds of the sale of said lands within one year from the ratification of this treaty, or so soon as said amount of $100,000 can be raised from the sale of said land to other Indians.

That is a limitation placed on the treaty of 1866.

Mr. OWEN. Mr. President, no quibble on the language of that treaty will permit the Government to escape its just obligations. The officers representing the United States wrote the treaties for these Indians, and they put into this language the declaration that this money should be paid to them. It was not paid to them; they have never been paid. The matter was afterwards agreed to be submitted to the Senate of the United States to make an award; and it was upon that record that it came to Congress. I ask to insert in the RECORD the report upon this matter heretofore made, giving the facts with regard to it, without taking the time of the Senate to read it.

The PRESIDENT pro tempore. Without objection, that order will be made.

The report referred to is as follows:

LOYAL CREEK INDIANS.

The Committee on Indian Affairs, to whom was referred the bill (S. 2344) to pay the balance due the loyal Creek Indians on the award made them by the Senate on the 16th day of February, 1903, beg leave to submit the following report thereon:

By the terms of articles 3 and 4 of a treaty between the United States and the Creek Nation of Indians concluded June 14, 1866, ratified by a resolution of the Senate, with amendments July 19, 1866, which amendments were agreed to by the Creek Nation July 23, 1866, and said treaty as amended proclaimed by the President August 11, 1866 (14 Stats., pp. 785–792), the Creek Nation ceded and conveyed to the United States the west half of their entire domain, the east half being retained as a permanent home for themselves. The land thus conveyed was estimated to contain over 3,250,000 acres, for which the Government agreed to pay $795,168, being at the rate of 30 cents per acre. The treaty provides for the distribution of this sum, and, among other things, that "$100,000 shall be paid to soldiers that enlisted in the Federal Army and the loyal refugee Indians and freedmen who were driven from their homes by the rebel forces to reimburse them in proportion to their respective losses," etc. (Art. 3, 14 Stats., p. 786.)

The treaty further provides that immediately after the ratification thereof the United States should ascertain the amount due the respective soldiers who enlisted in the Federal Army, loyal refugee Indians, and freedmen, in proportion to their losses, and pay the amount awarded each; also that the Indian agent should prepare a roll of such Indians and freedmen, that the superintendent of Indian affairs for the southern superintendency and the Indian agent should investigate and determine from such roll the amounts due the respective Indians and transmit such awards to the Secretary of the Interior for his approval.

Pursuant to the terms of the treaty, Brig. Gen. W. B. Hazen, superintendent of Indian affairs for the southern superintendency, and Capt. F. A. Field, Indian agent to the Creek Nation, and both Regular Army officers, were appointed July 21, 1869, as commissioners to make up the roll of said loyal Creek Indians, ascertain their losses and make the awards due on their respective claims. The report of the commissioners was made February 14, 1870, and shows claims presented in the amount of $5,090,808.50, and awards made by them in the amount of $1,836,830.41. The total award thus made was approved by the Commissioner of Indian Affairs, and on the 5th day of September, 1870, the Secretary of the Interior approved the same, but only to the extent of $100,000. (S. Doc. No. 420, 57th Cong., 1st sess.)

Prior to the date of the qualified approval of the Secretary of the Interior, however, Congress, in the Indian appropriation act approved July 15, 1870, had made the following appropriation:

"For the fulfillment of the provisions of the 3d and 4th articles of the treaty with the Creek Nation, concluded June 14, 1866, from the proceeds of sales of lands to the Seminoles, to be applied pro rata on the several amounts awarded and approved by the Secretary of the

Interior, $100,000, payment to be made to each claimant or to his or her heirs in person." (16 Stat., p. 341, 41st Cong., 2d sess.)

The appropriation thus made was to apply on account of the awards already ascertained and made by Hazen and Field; it was not a payment in full of the claim, and was not so understood at the time either by the Indians, by Congress, or by the Government agent who made the payment. In fact, the Indians refused to accept the $100,000 until assured that it was a part payment only of their claim, and that the balance would be forthcoming later.

"The accuracy of the findings of Hazen and Field was never challenged by the Government. Using them as a basis, the sum of $100,000 was paid to the claimants. The Indians refused to take any portion of this latter amount until assured by Gen. Williamson, the Government agent authorized to make the payments, that the balance would be paid." (S. Doc. No. 201, p. 5, 60th Cong., 1st sess.)

Under date of September 27, 1897, the Commission to the Five Civilized Tribes concluded an agreement with the Creek Nation which provided, among other things, that the loyal Creek claim should be submitted to the Senate as a board of arbitration, whose finding should be final, and that any money found to be due the Creek Nation, or any individual thereof, should be paid at once. Although this agreement was ratified and confirmed by an act of Congress, approved June 28, 1898, nothing was done by the United States to carry out its terms, and under date of March 8, 1900, the Commission to the Five Civilized Tribes concluded another agreement with the Indians, which was ratified by an act of Congress, approved March 1, 1901. (31 Stats., pp. 861–873, 56th Cong., 2d sess.)

With reference to the loyal Creek claim, section 26 of the latter agreement provides, and its terms are almost identical with those of the prior agreement, that—

"All claims of whatsoever nature, including the 'loyal Creek claim,' under article 4 of the treaty of 1866, etc., shall be submitted to the Senate of the United States for determination; and within two years from the ratification of this agreement the Senate shall make final determination thereof; and in the event that any sums are awarded the said tribe, or any citizen thereof, provision shall be made for immediate payment of the same.

"Of these claims the 'loyal Creek claim,' for what they suffered because of their loyalty to the United States Government during the Civil War, long delayed, urgent in its character that the parties to this agreement express the hope that it may receive consideration and be determined at the earliest practicable moment." (31 Stats., sec. 26, p. 869.)

Early in the first session of the Fifty-seventh Congress a memorial praying the Senate to act in conformity with section 26 of the agreement of March 8, 1900, was presented to the Senate and was duly referred to the Committee on Indian Affairs for investigation. The committee examined the treaties and records, heard testimony, arguments were made and briefs were submitted by counsel, and finally the committee reported (S. Rept. No. 3088, 57th Cong., 2d sess.) its findings to the Senate as an amendment to the Indian appropriation act, which reads as follows:

"(27) In pursuance of the provisions of section 26 of an act to ratify and confirm an agreement with the Muskogee or Creek Tribe of Indians, and for other purposes, approved March 1, 1901, there is hereby awarded, as a final determination thereof, on the so-called 'loyal Creek claims' named in said section 26, the sum of $1,200,000, and the same is hereby appropriated out of any money in the Treasury not otherwise appropriated, and made immediately available. And the Secretary of the Treasury is hereby authorized to pay, under the direction of the Secretary of the Interior, to the loyal Creek Indians and the freedmen named in articles 3 and 4 of the treaty with the Creek Nation of Indians of June 14, 1866, the said sum of $1,200,000, to be paid such Indians and freedmen only whose names appear in the list of awards made in their behalf by W. B. Hazen and F. A. Field, as commissioners on behalf of the United States to ascertain the losses of said Indians and freedmen as provided in said articles 3 and 4; and such payments shall be made in proportion of the awards as set out in said list, and shall be in full settlement and satisfaction of all claims under said articles 3 and 4, etc." (Passed by the Senate Feb. 16, 1903.)

A full discussion of this item was had in the Senate when the Indian appropriation bill was submitted for passage, and was finally passed without a dissenting voice. (CONGRESSIONAL RECORD, vol. 36, pt. 3, 2d sess., pp. 2252, 2253, and 2254.)

The House of Representatives disagreed generally to the amendments of the Senate to the appropriation bill, and the measure went to conference. When the conferees made their final report the item carrying the award to the loyal Creeks was reduced from $1,200,000, found due by the Senate award, to $600,000, and provided that the Indians should accept the same as full settlement and satisfaction of their claim. The act carrying the appropriation for $600,000 was approved March 3, 1903 (13 Stats., 995), and that sum accordingly was paid to the Indians, who accepted the same under the terms of the act.

The fact that the House (conferees) refused to make appropriation to pay the award of the Senate is not material, nor does the fact that the Senate, after making the award and the vesting of the rights of the Indians thereunder, agreed to an appropriation of half the amount, vary the force and effect of its finding. The award was fixed by its vote and was not subject to a review. It was a matter entirely beyond the jurisdiction of the House—except as to appropriate the amount of the award of the Senate—and the award would still stand had no appropriation been made. The Senate never again sat as a board of arbitrators, as a quasi court, but had it done so any action taken would not have been binding upon the Indians, because their rights became unalterably fixed, determined, and vested immediately upon the Senate making its award. As stated by the United States Supreme Court in the case of Comegys *v.* Vasse, above referred to, "the award in the premises is not reexaminable."

It is submitted that to compel these helpless Indians, wards of the United States, who were soldiers in the Union Army, to accept in full settlement of their claim a sum of money less than one-third of the value of their property lost and destroyed as ascertained by a commission appointed in compliance with the solemn terms of a treaty, is an unconscionable wrong and a reproach to the Government.

BINDING FORCE AND LEGAL EFFECT OF THE SENATE AWARD.

The United States Supreme Court, in the case of Wright *v.* Tibbitts (91 U. S., 252), held that a commission appointed under the Choctaw and Chickasaw treaty of 1866, for a purpose involving the same principles that are contained in the Creek agreement submitting to the Senate the claim of the loyal Creek Indians (31 Stat., 869), was a quasi court. It was in no material respect, for all the purposes of this controversy, different from the Court of Commissioners of Alabama Claims, of the Southern Claims Commission, or the Mexican Claims Commission, or Spanish Claims Commission, which have been called together in pursuance of treaty stipulation or otherwise, to settle and adjust disputed claims for the purpose of their ultimate payment and satisfaction. When the Senate, the quasi court, passed upon these claims they assumed the nature of an ascertained debt "for the purpose of ultimate payment and satisfaction." The rights of the claimants thereby became fixed and determined beyond controversy.

The United States is concluded by the finding of the Senate, the quasi court, by the law of good conscience and fair dealing, as well as by that provision of law sanctioned by a thousand decisions and opinions, which is best stated by the United States Supreme Court in the "Arre ondo" case in these words:

"It is a universal principle that when power or jurisdiction is delegated to an officer or tribunal over a subject matter, and its exercise is confined to his or their discretion, the acts so done are valid and binding as to the subject matter, and the individual rights will not be disturbed collaterally for anything done in the exercise of that discretion within the power and authority conferred." (6 Pet., 691.)

The object of the Creek agreement was to invest the Senate, the quasi court, with full power and authority to receive, examine, and decide upon the validity and amount of these claims, and the decision of the Senate is conclusive and final. If the Senate pronounced these claims invalid, or pronounced them valid and ascertained and fixed the amount, the award in the premises is not reexaminable. The United States and the Indians as well must abide by it as the decree of a competent tribunal of exclusive jurisdiction. If the claim of these Indians had been rejected by the Senate it would have been equally as binding, and could not again have been brought under review without further legislation. (See Comegys *v.* Vasse, 1 Pet., 193.)

Arbitrators exhaust their power when they make a final determination on the matters submitted to them. They have no power after having made an award to alter it; the authority conferred on them is then at an end. (Payne *v.* Morris, 1 Wall., 97.)

If the award be within the submission and contains the honest decision of the arbitrators after a full and fair hearing it will not be set aside for error either in law or fact. (Burchell *v.* Marsh, 17 How., 344.)

An award can be set aside only for a plain mistake of law or fact. (Williams *v.* Paschel, 4 Dall., 284.)

In the construction of an award, no intendment shall be indulged to overturn it, but every intendment shall be allowed to uphold it. (Kaethans *v.* Ferrer, 1 Pet., 222; Burchell *v.* Marsh, 17 How., 344.)

Where arbitrators keep within the terms of the reference and there is no fraud, mistake, misconduct, undue influence, or corruption, the award is conclusive on the parties, since it is a tribunal of their own choosing. (Denny *v.* Brown, Fed. Case No. 3, 805; Wolf *v.* Sheldon, 51 Ala., 425; Peachy *v.* Ritchie, 4 Cal., 205; Van Winkle *v.* Beck, 3 Ill., 188; Ross *v.* Watt, 16 Ill., 99; Kimball *v.* Walker, 30 Ill., 482; Graff *v.* Friedlander, 33 La. Ann., 188; Newburyport Ins. Co. *v.* Oliver, 8 Mass., 402.)

An arbitration which appears regular and unimpeached by facts or denials is the very highest authority. The question in controversy is as fully determined and the rights of the parties as fully settled as could be by their own agreement or by the judgment of a court. (Harrie *v.* Hains, 37 Ark., 349.)

The award of arbitrators under a statute is conclusive against the parties to the submission. (Taylor *v.* Scott, 26 Mo. App., 249.)

These are well settled principles of law and can not be gainsaid or controverted. In the present case power and jurisdiction were conferred upon the Senate, a quasi court, which, acting wholly within the power and jurisdiction conferred by the agreement, made its award, and no legal power can alter or change the validity and binding force and effect of that decision and award.

ACCORD AND SATISFACTION—RECEIPT IN FULL.

The act of Congress (32 Stat., 995) providing that the Indians should accept the $600,000 as full satisfaction of all claim and demand growing out of said loyal Creek claims, and execute a full release to the United States, is without consideration and void.

There is no principle of the common law better established and more generally recognized than that a payment, which is in accordance with the contract (award) after its maturity, of a part of a liquidated and ascertained debt is no satisfaction of the whole indebtedness, and that a receipt in full given upon such part payment is a nudum pactum as to the unpaid balance and not binding upon the maker. (Chitty's Con., 2 Perkins Ed., 821, title payment; 2 Parson's Con., 4th ed., 129; Bostwick *v.* The United States, 94 U. S., 53; 12 Court of Claims, 67; 15 Court of Claims, 303.)

To make a receipt of a part of a debt a discharge of the whole, there must be a new consideration or a voluntary compromise of a disreputable and disputed demand, by which each party yields something, or an accord and satisfaction by which a new contract is substituted, or a submission to arbitration. (15 Court of Claims, 297.)

Thousands of decisions by the various National and State courts on the subject might be referred to. There has never been a contrary decision by any court before which the question was submitted.

As stated by Senator Quarles, who was a member of the Indian Committee when the case was before the Senate:

"The determination of the Senate upon this proposition will amount to an award upon which an action will lie, quite independently of the fate of this provision in the other House of Congress." (See pp. 2252, 2253, and 2254 of the RECORD, vol. 36, pt. 3, 57th Cong., 2d sess.)

Therefore the receipt by the loyal Creek Indians of the $600,000 in full for the amount awarded by the Senate is a mere nudum pactum and of no legal binding force whatever.

Again, the relation of the Government toward these Indians is that of guardian toward its ward. By every principle of fairness and justice, as well as by the universal requirements of the law, the guardian is prohibited from coercing his ward into executing any agreement or receipt which will be detrimental to the interests of the ward.

In insisting, therefore, upon the binding effect of a receipt exacted from the ward by the stress of his conditions, the Government is perpetrating a wrong prohibited by the law of every State and civilized country, and shocking to every moral sentiment.

There is another reason that, we think, ought forever to prevent the Government of the United States, when acting in the capacity of a contracting party with an Indian tribe, from assuming, for an instant, such an attitude as it has in this case. These loyal Creeks, though owing no allegiance to the Government, were soldiers in its Army. They had sustained losses for which the Government was clearly responsible. Under the provisions of a treaty solemnly entered into, these losses were ascertained and reported to the Government for payment.

The Government, acting for itself alone, proceeded to reduce these findings to $1,800,000. This amount was not paid and the case was, by another treaty, submitted to the United States Senate as a board of arbitrators. Here they suffered another reduction, and the Senate, acting in its sole capacity as a board of arbitrators, found the amount due to be $1,200,000. After they had adjourned as a board of arbitrators and the award of $1,200,000 became fixed and final, the Senate placed said sum of $1,200,000 as an item in the Indian appropriation bill and passed it for that amount. Afterwards, in conference between the two Houses, the lesser amount was appropriated.

In Worcester *v.* Georgia (6 Pet., 582) it was said by Mr. Justice McLean in his concurring opinion:

"The language used in treaties with the Indians should never be construed to their prejudice. If words be made use of which are susceptible of a more extended meaning than their plain import as connected with the tenor of the treaty, they should be considered as used only in the latter sense. * * * How the words of the treaty were understood by this unlettered people, rather than their critical meaning, should form the rule of construction."

This beneficent rule of construction has been applied by the court in a number of cases, as in the United States *v.* Kagma (118 U. S., p. 385), in which the court says:

"These Indian tribes are the wards of the Nation. They are communities dependent on the United States; dependent largely for their daily food; dependent for their political rights. They owe no allegiance to the States, and receive from them no protection. Because of the local ill feeling, the people of the States where they are found are often their deadliest enemies. From their very weakness and helplessness, so largely due to the course of dealing of the Federal Government with them and the treaties in which it had been promised, there arises the duty of protection, and with it the power. This has always been recognized by the Executive and by Congress, and by this court whenever the question has arisen."

The loyal Creeks' claim was considered by the Committee on Indian Affairs of the Senate, and in its report of January 30, 1907 (S. Rept. 5689, 59th Cong., 2d sess.), said committee stated as follows:

LOYAL CREEK CLAIM.

"In 1901 Congress enacted into the statute an agreement made by the Dawes Commission with the loyal Creek Indians whereby their claim was to be 'submitted to the Senate of the United States for determination,' the Senate acting as a court of arbitration. The act provided that whatever sum was awarded 'provision shall be made for immediate payment of the same.' (31 Stat. L., 869, sec. 26.)

"In pursuance of that act the claim of the loyal Creeks was duly submitted to the Senate and sent to the Committee on Indian Affairs for investigation. The committee examined treaties and records, heard testimony from the claimants, both oral and by depositions; heard counsel, who submitted briefs; and finally reported its findings to the Senate as an item on the Indian appropriation bill, which read as follows:

"'In pursuance of the provisions of section 26 of an act to ratify and confirm an agreement with the Muscogee or Creek Tribe of Indians, and for other purposes, approved March 1, 1901, there is hereby awarded, as a final determination thereof, on the so-called "loyal Creek claims," named in said section 26, the sum of $1,200,000, and the same is hereby appropriated out of any money in the Treasury not otherwise appropriated, and made immediately available. And the Secretary of the Treasury is hereby authorized to pay, under the direction of the Secretary of the Interior, to the loyal Creek Indians and freedmen named in articles 3 and 4 of the treaty with the Creek Nation of Indians of June 14, 1866, the said sum of $1,200,000, to be paid to such Indians and freedmen only whose names appear on the list of awards made in their behalf by W. B. Hazen and F. A. Field, as commissioners on behalf of the United States to ascertain the losses of said Indians and freedmen, as provided in said articles 3 and 4; and such payments shall be made in proportion of the awards as set out in said lists and shall be in full settlement and satisfaction of all claims under said articles 3 and 4: *Provided, however*, That if any of said loyal Creek Indians or freedmen whose names are on said list of awards shall have died, then the amount or amounts due such deceased person or persons, respectively, shall be paid to their heirs or legal representatives: *And provided further*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to first withhold from the amount herein appropriated and pay to S. W. Peel, of Bentonville, Ark., the attorney of said loyal Creeks and freedmen, a sum equal to 10 per cent of the amount herein appropriated, as provided by written contracts between the said S. W. Peel and the claimants herein, the same to be payment in full for all legal and other services rendered by him or those employed by him, and for all disbursements and other expenditures had by him in behalf of said claimants in pursuance of said contract. And, further, said Secretary is authorized and directed to pay to David M. Hodge, a Creek Indian, of Tulsa, in the Creek Nation, a sum equal to 5 per cent of the amount herein appropriated, which payment shall be in full for all claims of every kind made by said David M. Hodge, or by those claiming under him, by reason of any engagement, agreement, or understanding had between him and said loyal Creek Indians.' (Cong. Rec., vol. 36, pt. 3, 57th Cong., 2d sess., p. 252.)

"A discussion followed, in which the attention of the Senate was specifically called to the fact that by the adoption of that item the Senate announced its award under the law. In the language of Senator Quarles, who was a member of the Committee on Indian Affairs and was opposed to the award:

"'The determination of the Senate upon this proposition will amount to an award upon which an action will lie, quite independently of the fate of this provision in the other House of Congress.'

"In a word, the Senate was fully apprised of the whole matter, and then passed the item without any dissenting votes. (See pp. 2252, 2253, and 2254 of the Record above cited.)

"The House disagreed generally to the amendment made by the Senate to the Indian bill, and the measure went to conference. When the conferees made their final report the item carrying the award had been modified by reducing the amount found by the Senate from $1,200,000 to $600,000, and provided that the Indians should accept the same as full satisfaction of all claim and demand growing out of said loyal Creek claims, and that the payment should be a full release of the Government. (32 Stat. L., 995.)

"The money thus appropriated, being only one-half of the amount awarded, was accordingly paid to the Indians. But in spite of the fact that they accepted, under compulsion, that amount under the terms of the act rather than lose all payment for their losses, yet they feel that the amount awarded them under the conditions of a solemn agreement between themselves and the Government has been only one-half paid and they are now entitled to the balance. They respectfully submit the following reasons for their present claim.

"I. The losses they sustained were the direct result of their loyalty to the Government. For this loyalty they were not only driven from their homes, but many of them—men, women, and children—in their flight from the Indian Territory to Kansas during the winter of 1861–62, lost their lives by attacks made upon them by other Indians and by organized whites, and all of them suffered untold hardships. More than 1,500 of the men entered the Union Army. The Commissioner of Indian Affairs in his report for the year 1865 says:

"'The Creeks were nearly divided in sentiment at the opening of the war, about 6,500 having gone with the rebellion, while the remainder, under the lead of the brave old chief, Opothleyoholo, resisted all temptations of the rebel agents and of leading men, like John Ross, among the Indians, and fought their way out of the country northward, in the winter, tracked by their bloody feet upon the frozen ground. They lost everything—houses, homes, stock—everything they possessed. Many joined the United States Army.' (Commissioner's Report, 1865, p. 39.)

"II. The Government promised them that they should be reimbursed for their losses. During the negotiations with the Five Civilized Tribes, preceding the reconstruction treaty of 1865, the commissioners on the part of the United States assured the Indians, loyal and disloyal, that 'those who have been loyal, although their nation may have gone over to the enemy, will be liberally provided for and dealt with.' Again the Indians were assured that above all other considerations it was the determination of the Government 'to recognize in a signal manner the loyalty of those who had fought upon the side of the Government and endured great sufferings on its behalf.' (Commissioner's Report, 1865, pp. 34 and 299.)

"And article 4 of the treaty of 1866 (14 Stat. L., 787) undertook to ascertain their losses and see that the same were paid. This ascertainment was subsequently made by two officers of the Army, Gen. W. B. Hazen and Capt. F. A. Field. The Indians filed claims with this commission amounting in the aggregate to $5,090,808.50. The two commissioners, in keeping with their military training, insisted on having every item proven by witnesses presented before them. The impoverished Indians, scattered over a territory twice as large as the State of Massachusetts, without property—not even a pony left them—and with many of their witnesses dead or left back in Kansas, could only comply in part. But they did prove the loss, before this exact and exacting court, of property found to be worth $1,836,830.41. This amount was awarded by Gen. Hazen and Capt. Field and approved by the Commissioner of Indian Affairs, and a qualified approval affixed by the Secretary of the Interior.

"III. The accuracy of the findings of Hazen and Field was never challenged by the Government. Using them as a basis, the sum of $100,000 was paid to the claimants. The Indians refused to take any portion of this latter amount until assured by Gen. Williamson, the Government agent authorized to make the payments, that the balance would be paid. Thus, when the matter came before the Senate as arbitrator, the Indians claimed the full amount of their losses as found ($1,836,830.41), less the $100,000 which had been paid, making $1,736,830.41. They also claimed interest for the 36 years that the claims had remained unpaid. This based upon the fact that the Government usually paid interest on Indian funds.

"The Indian Committee representing the Senate in making the investigation determined, upon some theory unknown to the claimants, to reduce the amount to $1,200,000. The loyal Indians of the Choctaws and Chickasaws had been paid the full amount of their losses as found, and their claims had not been cut by the commissioners who passed upon them.

"The claims of the loyal Seminoles were submitted to the arbitration of the Senate by the same act that provided for the submission of the loyal Creek claims. The Senate reduced by 45 per cent the amount which the commissioners had allowed for losses, and then added interest at the rate of 5 per cent for some 33 years. The reduction of the principal was based on the fact that the Indians had been allowed all they claimed. But the reduced principal and the interest brought the award to $186,000, while the original allowance was $213,888.95.

"The Choctaws and Chickasaws were thus paid the full amount of losses as they claimed them, and paid promptly after the date of the reconstruction treaty; and the Seminoles were generously dealt with by the Senate, a large amount of interest having been added to their claim. Yet when the Senate came to deal with the loyal Creek claims, which had been already cut by Commissioners Hazen and Field about 62 per cent, it further reduced the principal something more than 33 per cent (from $1,836,830.41 to $1,200,000), and refused to allow any interest. The claimants would have been glad to have accepted this award and been allowed, after the 36 years of waiting, to go in peace.

"IV. A fourth reason why the balance of the award should now be paid is the fact that the Indians submitted the whole matter to the Senate, trusting with the simplicity of children in its honor and justice. They were heard, the award was announced, and they returned to their homes with the feeling of perfect security that at least that much was safe and the $1,200,000 would be paid them and the long controversy ended.

"They had no knowledge of what was transpiring in the conference room. They were neither notified nor heard, yet provision was made for paying only one-half of their judgment, and conditioned that they should receive this as payment in full. The award between private parties would have been final and binding. (Wright *v.* Tebbitts, 1 Otto, 252.)

"V. Congress in its legislative capacity could not legally alter the award. The Senate, in pursuance of an agreement and a law, was the sole arbitrator. It formally announced its award. It never again opened the case. It never again sat as an arbitration board. Its sole connection with the matter thereafter was as a branch of Congress in its political capacity. Its function as a court was terminated. The question of finding what was due these loyal Creeks, who, in the language of the act providing for the arbitration, 'had suffered because of their loyalty to the United States Government during the Civil War,' was fully closed.

"VI. To coerce the Indians to sign receipts in full for a part of their award and refuse to pay the balance would, if done by an individual, be immoral. These untutored wards of the Nation who have been trained for generations to depend upon agents and other officers of the Government in all business transactions and to do whatever they are told to do are presented with a sum of money and receipt and told to sign the latter in order to secure the payment. Will such a receipt be held as a bar against the individual Indian? Is there not such a sense of injustice growing from the facts of this case as will compel the payment of the whole award? The Indians depend more upon such considerations than upon legal rights, which might be asserted as to the frailty of receipts in general as evidence of payment, and especially as to receipts procured by coercion or duress.

"VII. There must be no misunderstanding as to who these claimants are. They are simply and solely individual Indians. Their names, the property lost, and the amount due each for his particular loss, are all set out in the findings of Commissioners Hazen and Field. The Creek Tribe has no jurisdiction over the matter. On these claims the United States owed nothing to the tribe, and the latter never had any legal relation to them. The relinquishment of the tribe in its capacity as an organization can not have and should not have any effect on the pending claims."

The statement of the principles here enunciated has been held by our courts whenever a case has been brought to their attention. The gross inadequacy of the payment made to these loyal Creeks must be apparent to everyone.

For these reasons your committee recommend the passage of this bill.

Mr. OWEN. There was awarded the sum of $1,836,000. In point of fact the Creeks lost property amounting to about $5,000,000. Many of them were very ignorant people. They did not know how to make up their claims and did not properly present them, in many cases they had inadequate evidence, so that the total claim, amounting to a very large sum, was finally cut down to $1,836,000, all that these ignorant people could actually prove that they were entitled to receive.

Mr. McCUMBER. Mr. President——

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

Mr. OWEN I yield to the Senator.

Mr. McCUMBER. When Congress itself made a subsequent agreement that it would pay these Indians whatever a commission should find was their due and afterwards provided through an act of Congress that there should be submitted to the Senate of the United States for determination the question of what was due, does not the latter agreement take precedence over any question of prior construction?

Mr. OWEN. It absolutely cures any defect that might be pleaded by virtue of the bare technical language of the previous treaty.

Mr. McCUMBER. This claim is under the basis of the act of Congress, which said that it should be submitted and we should pay whatever the Senate should award.

Mr. OWEN. And when the United States desired to buy the lands of these people at a later time Congress agreed in the Thirty-first Statutes, page 862, section 26, in the act entitled "An act to ratify and confirm an agreement with the Muscogee or Creek Tribe of Indians, and for other purposes," that the Senate should act as an arbitration court to ascertain these losses, and when ascertained it provided for their immediate payment.

The Senator from Kansas can not deny that that is the language of that statute. It is provided there in the Thirty-first Statutes, page 862, section 26, that the United States agrees to ascertain these losses, and that the Senate of the United States shall act as an arbitration court to ascertain what the losses are, and then, when ascertained, to provide for their immediate payment.

The matter went in due course to the Committee on Indian Affairs to make a report back to the Senate of the United States as to what would be a proper course to pursue for the Senate acting as an arbitration court under this Creek agreement of 1902, and then the report was made. I ask the attention of Senators to this language. Here is the report made to the Senate:

In pursuance of the provisions of section 26 of an act to ratify and confirm an agreement with the Muscogee or Creek Tribe of Indians, and for other purposes, approved March 1, 1901, there is hereby awarded—

There is hereby awarded. I call the special attention of Senators to that—

there is hereby awarded as a final determination thereof on the so-called loyal Creek claims the sum of $1,200,000.

And the Senate of the United States, taking up that language and considering it carefully, having their attention called to the full significance of it, that they were in pursuance of an act of Congress and in pursuance of the Creek agreement of 1901, by which the United States had bought their western lands, which were turned into an empire of wealth—the United States by act of Congress, the Senate, the House of Representatives, and the President, agreed that this character of settlement should be made; that the Senate, acting as a court of arbitration, should make a final award, not an award subject to be set aside by the act of conferees from another House, and no escape is possible to the Senate of the United States. We pledged our honor in this body to the Creek people to pay them this money, and we have no moral right and we have no legal right to escape the just force of this obligation, which was voluntarily entered into after great preliminaries.

The act of 1901 waited a good while before the matter came before the Senate; and when finally it did come before the Senate there is no possibility that the Senate did not understand it. The language itself is perfectly plain and unequivocal—

That there is hereby awarded as a final determination thereof, $1,200,000.

And Senator Quarles, who was then upon the floor, and a member of the Indian Committee, said to the Senate—and I quote his exact language from the CONGRESSIONAL RECORD, volume 36, page 2252:

That the determination of the Senate upon this proposition will amount to an award from which an action will lie quite independently of the fate of this provision in the other House of Congress.

The Senator from Kansas says that because the conferees of the House of Representatives refused to recognize the award made by the Senate, therefore it is not an award at all. The Senate charged by a plain act of Congress with the responsibility of making the award, does make the award in terms beyond the possibility of misconception or misinterpretation, saying that, as an award the matter is finally determined by paying $1,200,000, and the conferees of another body, three gentlemen, say that they will not agree to pay the award of the Senate unless it is cut in half and a proviso made that those people shall take that or they shall never have another dollar. The poor Creeks, yielding to that hard necessity, receive the half loaf under protest, and then come back and say to the Senate of the United States: "Gentlemen of the Senate, honorable Senators, we submit our fate to your hands. With full knowledge of the facts, you awarded us a small part of what our losses were"——

The PRESIDENT pro tempore. The Chair will venture to submit to the Senator from Oklahoma that the Chair has been pretty thoroughly enlightened on this question. The Chair has read very carefully the brief from which the Senator has quoted, and the Chair is prepared to rule, if the Senator will permit the Chair to do so.

Mr. OWEN. I thank the Chair for his genial admonition.

The PRESIDENT pro tempore. This amendment has been before the Senate on quite a number of occasions.

Mr. OWEN. Mr. President, do I understand that the Senator from Oklahoma is being taken off the floor in the middle of his remarks by the Chair?

The PRESIDENT pro tempore. It is in the competency of the Chair to rule on points of order without hearing from Senators, or the Chair can, in his discretion, permit Senators to be heard. While the Chair is ready to rule, the Senator from Oklahoma will be heard further, if he so desires.

Mr. OWEN. The Senator from Oklahoma was in the midst of a discussion of the basis of this case, which bears directly upon a proper ruling by the President of the Senate. He was pointing out that this payment is in pursuance of existing law; that the amendment is in pursuance of an award and a judgment; that it is relevant under the rules of the Senate, notwithstanding the erroneous action of a previous President of the Senate, following an error first made four years ago.

Here is a treaty pledging these people the payment; here is an act of Congress, the Creek agreement of 1901, declaring that the Senate shall be a court of arbitration; here is the award of the Senate, as a court of arbitration, proposing to pay these people $1,200,000; here is a committee report from one of the standing committees of this body reporting this proposed payment in pursuance of that award of the Senate, and in pursuance of the law as it exists.

I wanted to put upon the record a statement of this case, in justice to these poor people, who have waited since 1866, a lifetime. They are nearly all dead now, and the Government has never paid its just obligations to them. The Senate of the United States is now asked to repudiate its solemn award to these people. It may be done, but it will not be done with my consent, nor with my approval. I wish to put that statement into the record.

The PRESIDENT pro tempore. The Chair was about to remark that this question has been before the Senate several times during the service of the present occupant of the chair in this body, and has been discussed at great length.

There are two decisions that the Chair has very carefully considered, the first having been made by Vice President Fairbanks on the 20th of February, 1909. The Chair will take the liberty of reading that in full. The CONGRESSIONAL RECORD shows that on that occasion Mr. CURTIS raised the question of order, namely, that the amendment, as amended, proposed general legislation to an appropriation bill, and was therefore not in order. After debate, by unanimous consent, Mr. LODGE raised a further question of order, namely, that the amendment, as amended, was—

a provision for a private claim, which can only be received to a general appropriation bill when it carries out the provisions of an existing law

or a treaty stipulation, which shall be cited on the face of the amendment. There is no treaty stipulation cited on the face of this amendment.

The Vice President sustained the point of order, using the following language:

The Senator from Kansas makes the point of order that the amendment is obnoxious to paragraph 3 of Rule XVI, in that it proposes general legislation. The Senator from Massachusetts interposes an additional point of order to the effect that the item is not for the purpose of carrying out the provisions of some existing law or treaty stipulation.

The Chair has been greatly impressed by the strength of the argument of the friends of the amendment as to the equitable character of the claim. But in deciding the point of order the Chair is, of course, precluded from considering either the equitable nature of the claim or the supposed merit of the claim that is involved in the amendment.

The Chair is of the opinion that in determining the parliamentary question which is raised, it is impossible for him to go back of the act of Congress of 1903 and consider any agreements, awards, or settlements which may have been made prior thereto. The Congress has spoken upon the question, and it is not within the province of the Senate to set aside, nor is it within the province of the Chair to ignore, its deliberate, conclusive action. It is provided in the act as follows:

"In pursuance of the provisions of section 26 of an act to ratify and confirm an agreement with the Muskogee or Creek Tribe of Indians, and for other purposes, approved March 1, 1901, there is hereby awarded, as a final determination thereof on the so-called 'loyal Creek claims' named in said section 26, the sum of $600,000, and the same is hereby appropriated out of any money in the Treasury not otherwise appropriated, and made immediately available."

Congress, in order, apparently, to leave no doubt as to its purpose and the effect of the act, provided:

"That said sum shall be accepted by said Indians in full payment and satisfaction of all claim and demand growing out of said loyal Creek claims, and the payment thereof shall be a full release of the Government from any such claim or claims."

Unless this act has been very materially modified or repealed by a subsequent act, it stands as the supreme law, and standing as it does, it negatives the suggestion that the pending amendment is to carry out an existing law or treaty stipulation.

The Chair is also clearly of opinion that the amendment can not be entertained under the third paragraph of Rule XVI. It proposes to change a general law. Therefore it is in the nature of general legislation, and is in contravention of the rule.

In view of the foregoing considerations, the Chair sustains the point of order made by the Senator from Kansas and the point of order interposed by the Senator from Massachusetts.

On the 24th day of February, 1911, the same question was before the Senate. It was debated at great length; and the late Vice President, Mr. Sherman, made this ruling:

The question presented here is a question of procedure, not a question of merit. It is manifest to the Chair, though not universally conceded, that this provision has in it very much of general legislation, as that term has been construed heretofore in the Senate.

The Chair has read with interest and with care the decision rendered when a like provision was presented in a like bill two years ago by Vice President Fairbanks (CONGRESSIONAL RECORD, 60th Cong., 2d sess., Feb. 20, 1909, p. 2823), and the Chair believes that the reasoning of that decision is clear and that its conclusion is correct, and the Chair proposes to follow that decision in this instance and sustain the point of order.

On that occasion the Senator from Oklahoma [Mr. OWEN] appealed from the decision of the Chair, and the Senate did not sustain the appeal.

The present occupant of the chair thinks there are equities in this case that might well be considered in a separate bill; but the Chair fully indorses the two decisions that have been read. Manifestly the amendment is obnoxious to Rule XVI, and therefore the point of order is sustained.

Mr. GAMBLE. Mr. President, I send to the desk a communication from the Secretary of the Interior, and ask that it be printed in the RECORD in connection with this ruling of the Chair.

The PRESIDENT pro tempore. Without objection, that order will be made.

The matter referred to is as follows:

DEPARTMENT OF THE INTERIOR,
Washington, January 27, 1913.

Hon. ROBERT J. GAMBLE,
Chairman Committee on Indian Affairs,
United States Senate.

SIR: I have the honor to acknowledge the receipt, by reference of the Committee on Indian Affairs of the United States Senate, of a copy of an amendment intended to be proposed by Mr. OWEN to H. R. 26874, said intended amendment having for its purpose the final settlement of certain claims of the loyal Creek Indians. The amendment provides for an appropriation of $600,000 to be used in payment of the balance claimed to be due certain Creek Indians, who by reason of their loyalty to the United States during the Civil War suffered property loss. It also contains a provision for the payment of attorneys' fees to S. W. Peel and David M. Hodge of sums equal, respectively, to 10 and 5 per cent of the amount of the appropriation carried by the amendment, such fees to constitute payment in full for all legal and other services rendered by said attorneys.

By section 26 of the act of Congress of March 1, 1901, containing an agreement with the Creek Nation (31 Stat. L., 869), it was provided that—

"All claims of whatsoever nature, including the 'loyal Creek claim' under article 4 of the treaty of 1866 and the 'self-emigration claim' under article 12 of the treaty of 1832, which the tribe or any individual thereof may have against the United States, or any other claim arising under the treaty of 1866, or any claim which the United States may have against said tribe, shall be submitted to the Senate of the United States for determination; and within two years from the ratification of this agreement the Senate shall make final determination thereof; and in the event that any sums are awarded the said tribe, or any citizen thereof, provision shall be made for immediate payment of same.

"Of these claims the 'loyal Creek claim,' for what they suffered because of their loyalty to the United States Government during the Civil War, long delayed, is so urgent in its character that the parties to this agreement express the hope that it may receive consideration and be determined at the earliest practicable moment."

By an act of Congress approved March 3, 1903, an appropriation of $600,000 was made for the purpose of paying the loyal Creek Indians and freedmen after the deduction of attorneys' fees, and the attorneys above mentioned were allowed 10 per cent and 5 per cent, respectively, of the amount appropriated under said act, which amounts were intended by Congress to be in full payment of all legal and other services rendered by said attorneys. The act also provided that the sum appropriated thereby should be accepted by the Indians in full payment and satisfaction of all claims and demands growing out of said loyal Creek claims, and that the payment of said sum should be a full release of the Government from any such claim or claims.

Said act of March 3, 1903, was originally the Indian appropriation bill for the year ended June 30, 1904, which was introduced as H. R. 15804. The Senate amendment of February 16, 1903, as reported in the CONGRESSIONAL RECORD, in volume 36, part 3, page 2252, provided, in part, as follows:

"In pursuance of the provisions of section 26 of an act to ratify and confirm an agreement with the Muskogee or Creek Tribe of Indians, and for other purposes, approved March 1, 1901, there is hereby awarded, as a final determination thereof, on the so-called 'loyal Creek claims' named in section 26, the sum of $1,200,000, and the same is hereby appropriated, out of any money in the Treasury not otherwise appropriated, and made immediately available. And the Secretary of the Treasury is hereby authorized to pay, under the direction of the Secretary of the Interior, to the loyal Creek Indians and freedmen named in articles 3 and 4 of the treaty with the Creek Nation of Indians of June 14, 1866, the said sum of $1,200,000, to be paid to such Indians and freedmen only whose names appear on the list of awards made in their behalf by W. B. Hazen and F. A. Field, as commissioners on behalf of the United States."

The House of Representatives disagreeing with the amendment in question, the matter was taken up in the conference committee, whose report on the bill submitted in the Senate on February 25, 1903 (Cong. Rec., vol. 36, p. 2626), provided:

"That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with amendments as follows: In line 7 of said amendment strike out 'one million two hundred thousand' and insert 'six hundred thousand'; in line 22 of said amendment, after the word 'list,' strike out all down to and including the word 'four,' in line 24, and insert in lieu thereof the following: '*Provided*, That said sum shall be accepted by said Indians in full payment and satisfaction of all claim and demand growing out of said loyal Creek claims, and the payment thereof shall be a full release of the Government from any such claim or claims'; and the Senate agree to the same."

The contention that the Senate had theretofore been made the arbiter of the claim was considered in the conference committee, as shown by the statement of the House conferees submitted in the House of Representatives February 27, 1903 (Cong. Rec. vol. 36, p. 2768), which statement was as follows:

"No. 27. The House recedes with an amendment making the appropriation $600,000 instead of $1,200,000. The amendment provides for the payment of the so-called loyal Creek claim. It has been mooted for some time, and it is claimed that the Senate has heretofore been made arbiters by action of both bodies of Congress, and that, acting as such, they have determined that $1,200,000 was just and due. The sum fixed herein is a compromise, and provision is made in the amendment that it be accepted in full payment of all claims and demands and act as a general relief of such claim against the Government."

On May 23, 1903, the principal chief of the Creek Nation approved a resolution of the general council of that nation accepting the $600,000 in full payment and satisfaction of all claims of the loyal Creek Indians and freedmen against the Government. It further appears that each person who participated in the distribution of the fund was required to sign a receipt for the sum paid him setting forth that it was accepted as a "full and complete settlement" of his claim against the United States for property taken or destroyed during the Civil War, as provided by the act of Congress, approved March 3, 1903, and the act of the Creek council above mentioned.

Respectfully,

WALTER L. FISHER, *Secretary.*

Mr. CURTIS. I ask unanimous consent to print in the RECORD a letter from the Commissioner of Indian Affairs, giving the early history of this claim prior to the recent legislation.

The PRESIDENT pro tempore. Without objection, that order will be made.

The matter referred to is as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, January 15, 1889.

The honorable the SECRETARY OF THE INTERIOR.

SIR: I have the honor to acknowledge the receipt, by department reference for report, of a communication under date of October 8, 1888, from Hon. S. W. Peel, chairman of the House Committee on Indian Affairs, inclosing a memorial of the loyal Creek Indians setting out their claim against the Government, the claim being quite large and of old standing, and requesting a careful examination thereof and full and complete report on its merits and covering all points relative to its final adjustment.

In compliance with said reference, I have the honor to submit the following report:

By the third article of the Creek treaty of June 14, 1866, it is stipulated that—

"* * * $100,000 shall be paid to soldiers that enlisted in the Federal Army, and the loyal refugee Indians and freedmen who were driven from their homes by the rebel forces, to reimburse them in proportion to their respective losses; * * *." (14 Stats., p. 787.)

The fourth article provides that "immediately after the ratification of this treaty the United States agree to ascertain the amount due the respective soldiers who enlisted in the Federal Army, loyal refugee Indians and freedmen, in proportion to their several losses, and to pay the amount awarded each in the following manner, to wit: A census of the Creeks shall be taken by the agent of the United States for said nation, under the direction of the Secretary of the Interior, and a roll of the names of all soldiers that enlisted in the Federal Army, loyal

refugee Indians and freedmen, be made by him. The superintendent of Indian affairs for the southern superintendency and the agent of the United States for the Creek Nation shall proceed to investigate and determine from said roll the amounts due the respective refugee Indians, and shall transmit to the Commissioner of Indian Affairs for his approval, and that of the Secretary of the Interior, their awards, together with the reasons therefor. In case the awards so made shall be duly approved, said awards shall be paid from the proceeds of the sale of said lands within one year from the ratification of this treaty, or so soon as said amount of $100,000 can be raised from the sale of said land to other Indians." (14 Stats., p. 787.)

For various reasons, but principally because no funds were available to defray the necessary expense, no action was taken to carry out the provisions of the fourth article of said treaty until Congress by act of April 10, 1869 (16 Stats., p. 22), appropriated the sum of $1,500, the "amount required to pay the expenses of taking a census and investigating the claims of loyal refugee Indians and freedmen, per fourth article treaty June 14, 1866," although Congress had by previous act of July 27, 1868 (15 Stats., p. 206), appropriated $2,000 for that purpose.

On the 21st of July, 1869, instructions were issued to the Creek agent, Capt. F. A. Field, to take said census and roll of the names of all the soldiers that enlisted in the Federal Army, loyal refugees, and freedmen.

On the same day Gen. W. B. Hazen, Superintendent of Indian Affairs, was advised of the instructions issued to Agent Field, and requested, when informed of the completion of said roll, to make the necessary arrangements with Agent Field to investigate, determine, and award the amount due said soldiers, refugee Indians, and freedmen and report the result of their action as early as October 1, 1869, if possible, that an estimate for funds to pay their awards might be submitted to Congress at its next session.

The roll was reported "nearly ready" September 12, 1869, but the investigation was not commenced until October 28, 1869, and practically closed December 19, 1869, though notice was given that claims would be considered up to February 1, 1870.

On the 14th of February, 1870, Gen. Hazen and Agent Field submitted a joint report of their doings under their instructions of July 21, 1869. The census contained the names of 3,611 persons, and the abstract of claims for property lost by the loyal Creek Indians and freedmen in consequence of the War of the Rebellion show awards to have been made in 1,523 cases. The total number of claims investigated amounted in value to $5,090,808.50, and the awards made by said superintendent and agent amounted to $1,836,830.41. On the 26th of May, 1870, this report of Gen. Hazen and Capt. Fields, with supplemental report of April 30, 1870, together with said abstract of claims upon which award had been made and the census roll made in accordance with the provisions of the treaty aforesaid, was submitted to the Secretary of the Interior, with a report that the investigations were conducted with care and thoroughness, but from the mass of claims presented it was evidently impossible, at a reasonable valuation, to keep within the treaty limits of $100,000.

The third article of the treaty stipulated that $100,000 should be reserved, etc., for the payment of said claims, etc., and to that end, this office, on the 16th of March, 1870, recommended that an appropriation of said sum be made by Congress for the payment of these awards and such others as might thereafter be made.

By the act of July 15, 1870, Congress appropriated $100,000 to be applied pro rata on the several amounts awarded and approved by the Secretary of the Interior, payment to be made to each claimant or to his or her heirs in person. (16 Stats., p. 341.)

On the 5th of September, 1870, Secretary Cox returned the census roll and abstract of claims awarded, having approved the amounts awarded by the commission, only so far as the sum placed at his disposal by the treaty and the act of July 15, 1870, warranted, viz., $100,000, and directed payment to be made upon a pro rata basis of $100,000, by which each claimant would receive five and four hundred and forty-four one-thousandths of a dollar on the sum awarded.

Payment was accordingly made by Special Agent J. A. Williamson in 1870, and Agent F. S. Lyon in 1871, and the vouchers therefor are on file in the office of the Second Auditor of the Treasury.

The Creek delegates, Messrs. Stidham, Porter, and Hodge, under date of December 17, 1878, submitted a petition setting forth many facts respecting the merits of the claims of the said loyal Creeks, claiming that the losses had an individual character and came under the provisions of article 18 of the treaty of 1856 (11 Stats., p. 704), which were reaffirmed and reassured by the twelfth article of the treaty of 1866; that the stipulations of the treaty of 1866, as defined by article 11 thereof, had respect to the Creeks, as a nation, to bar the Creek Nation against claiming compensation for losses growing out of the rebellion; that said losses were the misapplication of Creek national annuity funds, and that this article 11 was intended to interdict the revival of any claim in the future by the Creek Nation for the reimbursement by the United States of such misapplied funds; that article 11 does not touch the loyal Creeks, who, as individuals, separated themselves from the rest of their people, when compelled to choose allegiance between the United States and the so-called Confederate States. This loyal Creek claim, they allege, has another feature, aside from the treaty obligation of the United States, as defined by article 18 of the treaty of 1856—the property lost and therein claimed was taken, they allege, by the United States Army for the use of said Army. For verification of this fact they refer to the reports of Commissioner Cooley, Supt. Sells, Lieut. Williams, and the letter of Hon. W. A. Phillips, all of which, they affirm, are on file in the Interior Department.

They argue that the appropriation of $100,000 can not be taken as fulfilling the eighteenth article of the treaty of 1856, as that money was the funds of the Creek Nation realized from the sale of the western half of the Creek domain (treaty of 1866), and by no construction could that payment be considered a full and final settlement of the awards made by the said commission.

In conclusion they asked that no exigency of public affairs, or the then present policy of the Government of the United States should be permitted to intervene, whereby the rights of the loyal Creeks, etc., as guaranteed by their treaties—compacts as sacred and binding as the fundamental law of the Federal Government—might be ignored.

On the 3d of February, 1879, Hon. Charles E. Hooker, of the House of Representatives, made the following inquiries in connection with House bill No. 3513 (45th Cong., 2d sess.), viz:

First. Have the loyal Creeks met with any loss?

Second. In what manner and how did this occur?

Third. Is the United States Government in any manner liable for the loss?

Fourth. Is the loss of a national or individual character?

Fifth. If individual, have the claimants been compensated in any manner by the Government, and to what extent?

After referring to the communication of the Creek delegates of December 17, 1878, and of a further communication from said delegates, dated February 5, 1879, submitting the argument of David Hodge (printed copy herewith), this office in a report to the Secretary of the Interior, dated February 18, 1879, submitted a statement of the history and legal status of these claims and of the treaties with the Creeks out of which they grew, holding that in the opinion of this office the loyal Creeks had no further legal claim against the Government under any treaty stipulations whatever, but that such of the individual members of the Creek Nation as maintained their allegiance to the United States during the late war, and especially those who served in the Federal Army, had strong equitable claims upon the justice and good faith of the Government. In view of these considerations it was held that relief must be derived from congressional action, and recommendation was accordingly made that the subject be presented to Congress with the request that such legislation be had thereon as the facts and circumstances connected with the claims presented would justify.

On the 27th of March, 1880, this office submitted to the Secretary of the Interior a report on Senate bill No. 1145, providing for the payment of $1,800,000 to the said loyal Creek Indians, expressive of the views of this office thereon, which were corroborative of those advanced on the 18th of February, 1879.

This subject was again brought to the attention of this office by Senator John A. Logan, in a communication dated the 13th of July, 1882 (referred by the Secretary of the Interior for report), requesting to be furnished with an opinion as to the obligation of the United States to pay the balances, remaining unpaid, of the awards made to the "loyal Creek Indians who enlisted in the Federal Army, loyal refugees, Indians and freedmen," with such recommendations as might be deemed proper and necessary to an early settlement of their claims. This office, on the 29th of July, 1882, reported that the views expressed in report of February 18, 1879, that loyal Creeks had no further legal claim against the Government under any treaty stipulation, were held to be correct, and concurred with the views therein expressed that such of the individual members of the Creek Nation as maintained their allegiance to the United States during the late war, and especially those who served in the Federal Army, had strong equitable claims upon the justice and good faith of the Government.

On the same day this office submitted a favorable report to the Secretary of the Interior relative to a contract made March 10, 1882, by and between the loyal Creek Indians, through Legus C. Perryman, their duly appointed and legally authorized agent and attorney in fact, and W. W. Wilshire, recommending that the compensation, a contingent fee of 10 per cent of the amount recovered, be reduced to 2 per cent of the amount collected as a sufficient compensation for any service rendered or to be rendered by Mr. Wilshire, inasmuch as the matter, with all the facts connected therewith, had already been presented to Congress by the department. This contract was approved August 19, 1882, by the department at the original compensation, but it has never received the approval of this office, though under date of August 16, 1882, the then Commissioner of Indian Affairs modified his recommendation to the effect that the compensation should be 4 per cent on the first $500,000 that might be collected, 2 per cent on the next $500,000, and 1 per cent on the remainder.

Some further ineffectual correspondence was held respecting this contract (herewith submitted).

On the 10th of May, 1883, the matter was referred to the Court of Claims by the Secretary of the Interior, under the second section of the Bowman Act of March 3, 1883 (22 Stats., p. 485), and under date of July 18, 1884, the chief clerk (Archibald Hopkins, Esq.) transmitted to the Secretary of the Interior a certified copy of the finding of fact, conclusions of law, and opinion of the court in department case No. 3, Thomas Connor and others, Loyal Creek Indians, v. The United States, rendered June 4, 1884. (See Court of Claims Reports, vol. 19, p. 675.)

The court held that—

"The treaty of 1856 binds the Government to protect the Creeks from domestic strife, from hostile invasion, from aggression by other Indians and white persons not subject to their jurisdiction and laws. But the Creek Nation enter into a treaty with the Confederate government and engage in war against the United States, excepting the claimants, who remain loyal and render military service. In 1866 a new treaty is made whereby the Government 'reaffirms and reassumes all obligations' of the treaty of 1856 and agrees to pay $100,000 to the claimants and other loyal Creeks in proportion to their losses. It is also provided that 'the stipulations of the treaty are to be in full settlement of all claims' 'growing out of the late rebellion.'

"I. When the Creek Nation entered into a treaty with the Confederate government and engaged in war against the United States the treaty of 1856 (11 Stat. L., p. 704) was abrogated and the obligations of the Government to individual Creeks at an end.

"II. The provision in the treaty of 1866 (14 Stat. L., p. 785) whereby the Government 'reaffirms and reassumes all obligations' existing under the previous treaty takes effect from the date of the new treaty and does not carry back the obligations so as to be operative during the war.

"III. The provision in the treaty of 1866 that 'the stipulations of this treaty are to be in full settlement of all claims of said Creek Nation for damages and losses of every kind growing out of the late rebellion,' applies to individual and personal as well as to national demands.

"IV. By the Creek treaty of 1866 the United States reserved $100,000 from moneys to be paid the Nation and stipulated that that amount should be divided among the loyal Creeks 'in proportion to their several losses'; but they did not thereby assume the losses which loyal individuals suffered by reason of their having faithfully adhered to the Government during the war."

The court decided as a conclusion of law that "all claims which the petitioners had against the United States for damages and losses growing out of the late rebellion were adjusted, settled, and released by the treaty of 1866 (14 Stat. L., 785), and the payment thereunder of $100,000, as provided in article 3, and that the claimants, having received that sum, are not entitled to be paid any further amount." * * * The "amount due the respective soldiers" was not the whole $1,900,000 of their losses, * * * but was the $100,000 which was set aside and appropriated for that purpose. * * * The taking an account of the actual losses of individuals under the circumstances raises no implied promise to pay the whole, because the purpose was, as declared, to ascertain the amount due to each one in proportion to his losses, thereby implying that they might not be paid to the full extent of the losses.

On the 11th of March, 1886, another contract was made between the loyal Creeks, through their agents, Legus C. Perryman and Co-ne-ta Micco, and J. W. Douglass for professional services to be rendered in prosecuting claim of said Creeks to final settlement and payment thereof, etc., at a compensation—a contingent fee of 10 per cent of the sum or sums collected by him or his assigns. No action has been taken on said contract looking to its approval.

The foregoing covers the views heretofore held by this office on the merits of said claim, as well as the views of the representatives of said loyal Creeks, etc., and its final adjustment, in my opinion, should be provided for by Congress.

Copies of the following papers are herewith submitted, with a copy of this report, viz:

1. Instructions to Agent Fields, July 21, 1869.
2. Instructions to Gen. Hazen, July 21, 1869.
3. Report of Gen. Hazen and Agent Fields, February 14, 1870:
(a) Roll of loyal Creek refugees, freedemen, and soldiers.
(b) Abstract of claims for property lost by them and the awards made therefor.
(c) Memorandum of prices observed in making awards.
4. Printed copy of House Executive Document No. 217, Forty-first Congress, second session, containing letter of Secretary of the Interior, dated March 22, 1870, transmitting copy of Indian Office letter March 16, 1870, asking an appropriation to pay losses.
5. Supplemental report of Gen. Hazen and Agent Fields, April 30, 1870.
6. Office report, May 26, 1870, submitting both reports of Gens. Hazen and Fields, with roll and abstract of claims and awards.
7. Letter of Secretary Cox, September 5, 1870, returning roll and abstract of claims and of awards made, approved only so far as the $100,000 would warrant, and directing payment on a pro rata basis of 5.444 of $1 on the sum awarded to each claimant.
8. Communication from Creek delegates, December 17, 1878.
9. Printed copy of House Miscellaneous Document No. 38, Forty-fifth Congress, second session, being a petition of the Creek delegates, asking early action on the awards made to loyal Creeks, etc.
10. Printed copy of the argument of David Hodge before the Committee on Indian Affairs in behalf of loyal Creek claims March 26, 1878.
11. Office report, February 18, 1879, on communication Hon. C. E. Hooker in connection with House bill No. 3513, Forty-fifth Congress, second session, relative to this claim.
12. Office report, March 27, 1880, on Senate bill No. 1145, providing for the payment of $1,800,000 to loyal Creeks.
13. Office report, July 29, 1882, on communication Senator Logan of July 13, 1882, relative to the obligation of the United States to pay the unpaid balances of the awards made to the loyal Creeks.
14. Office report, July 29, 1882, on contract made March 10, 1882, by loyal Creeks with W. W. Wilshire.
15. Assistant Secretary's letter, August 9, 1882, relative to the compensation named in contract.
16. Office report, August 16, 1882, recommending modification of said compensation.
17. Assistant Secretary's letter, August 19, 1882, returning contract approved at original compensation.
18. Letter from W. W. Wilshire, August 22, 1882, calling for approved contract and certified copy thereof.
19. Office letter, September 14, 1882, to W. W. Wilshire, transmitting certified copies of contract as approved.
20. Letter from W. W. Wilshire, July 17, 1883, to Secretary Teller, calling attention to the fact that contract is not approved by this office. (Referred by Secretary Teller with the indorsement, "I think the contract ought to be approved.")
21. Office report, July 25, 1883, relative to nonapproval of contract at original compensation.
22. Decision of the Court of Claims, rendered June 4, 1884.
23. Instructions to Agent J. Q. Tufts, July 26, 1884, to notify Creek Nation of adverse decision of said court.
24. Letter from D. Haynes, July 21, 1884, relative to the claim of an orphan boy of the Creek Nation for damages done him as a loyal Creek.
25. Office reply thereto, June 24, 1884.
26. Letter from D. Haynes, August 18, 1884, in further explanation of said individual claim.
27. Office letter, August 30, 1884, in reply.
28. Senate Miscellaneous Document No. 54, Forty-eighth Congress, second session, a memorial of loyal Creek Indians asking the action of Congress with reference to the payment of the awards, etc.
29. J. W. Douglass asks for copy of his contract of March 11, 1886, with loyal Creeks for professional services to be rendered in their behalf relative to said claims.
30. Office letter, March 3, 1888, transmitting copy.
31. Copy of said unapproved contract.

The communication of Hon. Mr. Peel, with its inclosures, is herewith respectfully returned.

Very respectfully, your obedient servant,

JNO. H. OBERLY, *Commissioner.*

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 51, after line 6, to insert:

That the Secretary of the Interior be, and he is hereby, authorized to perform all acts and make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions of this act into full force and effect.

The amendment was agreed to.

The next amendment was, under the head of "Pennsylvania," on page 52, line 22, after the word "superintendent," to strike out "$132,000" and insert "$151,950; for lavatories and bathing facilities $10,000," and in line 24, after the words "in all," to strike out "$152,000" and insert "$181,950," so as to make the clause read:

For support and education of Indian pupils at the Indian school at Carlisle, Pa., and for pay of superintendent, $151,950; for lavatories and bathing facilities, $10,000; for general repairs and improvements, $20,000; in all, $181,950.

The amendment was agreed to.

The next amendment was, under the heading of "South Dakota," on page 53, line 9, before the word "for," to insert "for construction of employees' quarters, $15,000," and in line 10, after the words "in all," to strike out "$42,000" and insert "$57,000," so as to make the clause read:

For support and education of 175 Indian pupils at the Indian school at Pierre, S. Dak., and for pay of superintendent, $32,000; for construction of employees' quarters, $15,000; for general repairs and improvements, $10,000; in all, $57,000.

The amendment was agreed to.

The next amendment was, on page 53, after line 10, to insert:

That the Secretary of the Treasury be, and he is hereby, authorized to pay to the plaintiffs in the case entitled "Mary Sully and others against the United States and John H. Scriven, allotting agent," and in the case entitled "Narcissus Drapeau and others against the United States and John H. Scriven, allotting agent," in the United States Circuit Court for the District of South Dakota, the sum of $780.70 to reimburse said parties plaintiff for costs paid and disbursements in the above-named cases: *Provided*, That before said amount is paid the said parties plaintiff shall file with the Secretary of the Treasury a receipt in full for the costs so paid and disbursements in said cases and in full of all claims.

The amendment was agreed to.

The next amendment was on page 54, after line 17, to strike out:

For support and maintenance of day and industrial schools among the Sioux Indians, including the erection and repairs of school buildings, $200,000.

The amendment was agreed to.

The next amendment was, on page 54, after line 20, to insert:

For support and maintenance of day and industrial schools among the Sioux Indians, including the erection and repairs of school buildings, $200,000, to be expended under the agreement with said Indians in section 17 of the act of March 2, 1889, which agreement is hereby extended to and including June 30, 1914.

The amendment was agreed to.

The next amendment was, on page 55, after line 10, to insert:

For the construction of headquarters for employees at the Pine Ridge Agency, S. Dak., $10,000, and for repair and improvement of agency buildings at the Pine Ridge Agency, S. Dak., $5,000; in all, $15,000.

The amendment was agreed to.

The next amendment was, on page 55, after line 14, to insert:

The Secretary of the Interior is hereby authorized to approve voucher No. 53 for the second quarter of the fiscal year ending June 30, 1911, for the payment of benefits to the Pine Ridge Indians of South Dakota, under section 17 of the act of March 2, 1889 (25 Stat. L., pp. 888 to 894, as amended).

The amendment was agreed to.

The next amendment was, on page 55, after line 22, to insert:

The Secretary of the Treasury is hereby authorized and directed to reimburse Hugh W. Caton, C. C. Clark, and Walter Mosier, Indian farmers, for expenses incurred by them for operation and repair of their private automobiles, while said machines were used on public business, pertaining to the Rosebud Indian Reservation, during the fiscal years of 1909, 1910, 1911, and 1912: *Provided*, That said accounts shall receive administrative examination by the Interior Department, and payments shall be made from unexpended balances in appropriations for "Support of Sioux or different tribes, subsistence and civilization," for the fiscal years in which the expenses were severally incurred, and shall not exceed, in the aggregate, $1,974.22.

The amendment was agreed to.

The next amendment was, on page 56, after line 12, to insert:

For reimbursing Frank Philbrick for property destroyed by fire, $318.25.

The amendment was agreed to.

The next amendment was, under the head of "Utah," on page 57, after line 11, to insert:

The Secretary of the Interior is hereby authorized and directed to cause an investigation to be made of the claims of the Confederated Bands of the Ute Indians and an appraisal of the value of any and all of the lands ceded by them to the United States and now remaining unsold, and to negotiate with said Indians with a view of reaching an agreement as to the value of said claims and lands, such agreement if obtained to be reported, and if not obtained negotiations for such purpose reported, to Congress by the Secretary of the Interior prior to January 1, 1914, for appropriate action.

The amendment was agreed to.

The next amendment was, on page 57, after line 22, to insert:

For cash payment to the Confederated Bands of Ute Indians, or for expenditure for their benefit, in the discretion of the Secretary of the Interior, $100,000, said amount to be reimbursed out of the appropriation, when made, to cover the net amount of the judgment rendered by the Court of Claims in favor of said Confederated Bands of Ute Indians, dated February 13, 1911.

The amendment was agreed to.

The next amendment was, under the head of "Washington," on page 59, line 6, before the word "Indian," to strike out "300" and insert "350," and in line 8, after the word "superintendent," to strike out "$50,000" and insert "$60,000," so as to make the clause read:

For support and education of 350 Indian pupils at the Cushman Indian School, Tacoma, Wash., including repairs and improvements, and for pay of superintendent, $60,000, said appropriation being made to supplement the Puyallup school funds used for said school.

The amendment was agreed to.

The next amendment was, on page 59, after line 10, to insert:

That the Secretary of the Treasury be, and he is hereby, directed to pay the award of $1,900 made by the Secretary of the Interior under

date of December 31, 1912, pursuant to the authority contained in the act approved July 6, 1912 (Private, No. 49), out of any funds in the Treasury of the United States not otherwise appropriated, the United States to be reimbursed out of the first moneys collected from the leasing or sale of the lands of the minor Indian children named in said act approved July 6, 1912.

The amendment was agreed to.

The next amendment was, on page 59, after line 21, to insert:

For the survey of the town site of Klaxta, within the Spokane Indian Reservation, and the survey of any other town sites within any Indian reservations heretofore established or that may hereafter be established under authority of law, to remain available until expended, $15,000.

The amendment was agreed to.

The next amendment was, at the top of page 60, to insert:

That for the purpose of constructing storage reservoirs to impound flood waters of the Yakima River to provide for the total diversion of 516,000 acre-feet of stored water and natural flow during each irrigation season at the reservation gates for the irrigation of 120,000 acres, more or less, on the Yakima Indian Reservation, there is hereby appropriated out of any money in the Treasury not otherwise appropriated, $1,800,000, or so much thereof as may be necessary, to be expended in said works by the Reclamation Service.

That the lands within the project on the Yakima Indian Reservation owned by Indians in fee or otherwise to the extent of 32,000 acres, estimated to be necessary for the support of Indians allotted within the project, for which a water supply of 400 cubic feet per second of time is required, shall receive water free of any and all cost or charge on account of said storage works.

That other lands under Indian ownership to the extent of 70,000 acres additional, more or less, shall bear the proportionate acreage cost for providing said storage waters in the river, except that provided for in the preceding paragraph, which cost shall be a charge against said lands, to be paid on such terms and under such regulations as the Secretary of the Interior shall prescribe.

That the claims for water of the owners of the remaining area of 18,000 acres, more or less, of irrigable Indian land, the Indian title to which has been extinguished, shall be equitably adjusted by the Secretary of the Interior: *Provided*, That any payments by owners of said lands on account of said storage works shall be deposited in the Treasury to the credit of the United States.

That the owners of irrigable lands within the project shall pay the proportionate cost of the distribution and drainage systems upon such terms as may be fixed by the Secretary of the Interior: *Provided*, That no steps for the enlargement of the storage or distribution works for the benefit of the lands in the Wapato unit, as herein provided for, or for deliveries of water thereto in excess of the deliveries appropriate under the limitation to 147 second-feet, shall be undertaken until at least 80 per cent of the allotted and a like per cent of the patented lands of said unit shall have been pledged by the allottees or owners thereof for the repayment of the cost of the works, nor until all other claims for or arising out of water rights shall have been properly waived by the allottees or owners so pledging their lands, and no benefit from the works constructed on the faith of such pledges shall accrue by enlarged deliveries of water or otherwise to any lands within the unit so pledged with waiver.

Mr. LODGE. Mr. President, I do not desire to delay the passage of the bill; and therefore, without discussion, I make the point of order that this is clearly general legislation, and that it also carries an appropriation of $1,800,000 which is not estimated for.

Mr. JONES. I hope the Senator will reserve his point of order. I will state to him that he will not expedite the passage of the bill——

Mr. LODGE. Certainly I will reserve the point of order.

Mr. JONES. Because I do not believe, when the Senator understands the situation, he will insist upon his point of order.

Before proceeding to address the Senate on this proposition I desire to say that in line 25, page 61, after the word "unit" the word "not" was inadvertently omitted. I move to insert the word.

The PRESIDENT pro tempore. The proposed amendment will be stated.

The SECRETARY. On page 61, after the word "unit" in line 25 it is proposed to insert the word "not."

The amendment was agreed to.

Mr. JONES. Mr. President, this is an extremely important matter, not only to the Indians and to the locality, but to the United States itself, and I hope the Senator from Massachusetts will give me his attention. I have lived in the vicinity of this reservation during almost the last 24 years, and I know the conditions there thoroughly. The treaty setting aside this reservation was made in 1855, and ratified in 1859. The lands were then simply pasture lands, and not very good at that. That is, the lands involved in this proposition were practically desert lands. The reservation in all included over 1,000,000 acres of land, part of it being grazing land, and this, of course, was of benefit to the Indians.

The irrigation development in this valley began along about 1867, and continued slowly until probably 1880 or 1885 or 1886, when the Northern Pacific Railroad went through this valley. Settlers came in in great numbers, and a great development began, and has continued ever since, until now. There are under irrigation in the valley, taking water from the streams and sources of water supply tributary to this reservation, about 250,000 acres of land. As the Secretary says in his report—or, at least, it is in the report of the officer made to him—irrigation has developed in this neighborhood probably to a greater and higher degree than almost anywhere in the United States.

While the white settlers were developing the lands, building ditches, taking out water, and reclaiming the desert practically nothing was done toward the irrigation of these reservation lands. The Indians did nothing, and of course the whites could do nothing. There was some slight development, and along about 1892 or 1894 there was a ditch built for the purpose of reclaiming probably 20,000 acres of these lands. Money was appropriated by the Government for this purpose. I do not remember whether the first appropriation was reimbursable out of the Indian fund or not. Whether that is true or not, there has never been any reimbursement; and whatever irrigation canals have been placed upon this reservation have been placed there by appropriations made out of the Treasury of the United States without any reimbursement, although probably subject to reimbursement.

It is possible that there will be some reimbursement at some time out of the tribal fund; and yet there is a decided injustice with reference to that, for this reason: The reclamation of these lands results in benefits to particular Indians and not to the tribe, because it results in the reclamation of particular allotments or allotted lands; and while it is reimbursable out of the tribal fund, the benefit goes to particular individual Indians.

Mr. POINDEXTER. Mr. President, I should like to ask a question of the Senator.

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

Mr. JONES. Certainly.

Mr. POINDEXTER. What would be the difficulty, in that connection, of charging the cost to the undivided portion of the allottees?

Mr. JONES. There would be no difficulty, so far as that portion would go; but I will suggest to the Senator that that portion probably would not pay the total expenditure. That is what ought to be done.

Mr. POINDEXTER. I am informed that it probably would. However, there may be a difference of opinion about that.

Mr. JONES. I doubt it very much; but that is what ought to be done, so far as that is concerned.

The Indians are making the claim that they are entitled to half of the water in the Yakima River, one of the boundary streams of this reservation. The opposition to this measure claim that it is against the interests of the Indians. As a matter of fact, I think it is in the interest of the Indians themselves. I want to say here that I believe I am more earnest in looking after the interests of the Indians in this legislation than those who are urging the Indians to oppose it.

I have no interest in this matter except the interest of the Indians and the development of that section of the country. I want these Indians to have every right they are entitled to. I would be willing to give them even more. We ought to do them justice, and no one is more anxious to do that than I. There are those who are urging these Indians to oppose this legislation who have personal interests at stake and who will become the real beneficiaries. There are those who are behind the opposition to this proposition, and urging the Indians to oppose it, who have purchased the lands of deceased Indians upon this reservation, and are hoping thereby to secure the land and a free water right. That is the basis of the whole opposition. Misrepresentations have been made to the Indians, and they have been led to believe that no protection is given them. This is not true.

These lands are now extremely valuable. They were practically of no value when the treaty was made. They are practically of no value without water. But with the prospect of a water right becoming available, the lands with a water right and those without are now of very great value.

The Indians claim half of the water in this river simply because the river runs along the side of their lands. I do not care to discuss that proposition. It is immaterial to me in view of the situation that we must meet. Whether that contention is correct or not, we can not afford at this time to destroy the development that has been made in this valley. We can not afford to destroy the homes that have been built up there. We can not afford to take away the value of the property that has been made by the efforts and the toil and the struggles of the people as would be done by the recognition of this claim and its enforcement. If the Indians were entitled to one-half the value of that land or of the water, they have a claim against the Government for the taking of their property that the Government itself should recognize and pay for and not take it out of the values that have been developed in that country.

The Government has invited the people to come in there; the Government has encouraged the people to settle these lands; the Government has induced the people to take up lands and has given them title to those lands—lands that were absolutely worthless without irrigation. They have irrigated them and reclaimed them and built their homes upon them, and their values rest upon the water which they have diverted at great expense.

Mr. KENYON. Mr. President——

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

Mr. JONES. Possibly I will cover the point that the Senator has in mind.

Mr. KENYON. If the Senator does, well and good. I was going to ask with reference to the memorial which the Indians themselves have presented against this bill of the Senator, which seems to put the case very tersely and rather pathetically.

Mr. JONES. Yes.

Mr. KENYON. I thought possibly the Senator would answer it. It might be well to have it read, and then have it answered by the Senator.

Mr. JONES. If the Senator will call particular attention to the point he has in mind and would like to have answered, I shall be glad to do so.

Mr. KENYON. I ask to have read the matter which I send to the desk, as the protest of the Yakima Indians against this proposition.

The PRESIDENT pro tempore. Without objection, the Secretary will read as requested.

The Secretary read as follows:

In 1906 Secretary Hitchcock divide water in Yakima River and give us 147 cubic feet and give Sunnyside Canal 650 feet, leaving several miles of our new ditch dry, and not enough to water good the 30,000 acres watered by our ditches. We ask if this is right?

Our riparian rights are older than those of the white man. This reservation we were permitted to hold when the Government took all our other land. Water is life and belongs to the earth. Our land is poor without water. The Government has set still and let our water be stolen, and now the Reclamation Service cinch us tight if Jones bill 6693 become law.

On Ahtanum River divide of our reservation, where white man have most land, the Secretary of Interior gives three-fourths of water to white man. Now, when red man have most land to water, he gives nearly all water to white man. This was done, and we could not help ourselves. We want only what is right. God wants the white man and the red man to live in peace. We try hard to do right and obey the white man's laws. We want you to help us. We want the white man to be honest and treat us right. Our words are done.

Mr. JONES. Of course, Mr. President, that sounds well and appeals to our sympathy; and yet, when we come down to the cold fact, if we take their suggestion as the basis for our action, we will allow this water to go by this reservation forever, simply because the Indians were there before the white man. They made no use of the water before the white man came. They made no use after he came——

Mr. POINDEXTER. Mr. President——

Mr. JONES. They made no use of it for almost half a century.

Mr. POINDEXTER. The last statement of the Senator, made after I had risen, rather qualified the previous one.

Mr. JONES. Yes.

Mr. POINDEXTER. The Senator stated that they had made no use of the water. I was going to inquire if it was not a fact that they have made use of more water than is given to them free of charge in this amendment.

Mr. JONES. No; I am going to explain that.

Mr. POINDEXTER. And is it not true that while this amendment provides for the free irrigation of 32,000 acres of land they are already irrigating 30,000 acres, so that it is only 2,000 acres more than they have already irrigated?

Mr. JONES. That is not true.

Mr. POINDEXTER. My purpose in stating this is to get the Senator's views in regard to it.

Mr. JONES. I know that, and that is what I want to give. I want to explain the situation. I said for almost half a century this water had been going by there and these Indians had not used it. Until, I think, about 1892 or 1894 practically no irrigation had been done upon the reservation. There had been some water turned out into some sloughs and had been used by the white people who were leasing the lands from the Indians, and some subirrigation out of Toppenish Creek.

About 1892 or 1894, I think it was, we appropriated $20,000 for the purpose of building a ditch to irrigate some Indian land. Prior to that time very little irrigation had been done on the reservation. White settlers had come into the country, canals had been taken out, water had been diverted from the Yakima River and actually appropriated and put to beneficial use, and the lands reclaimed almost to the total extent of the low-water flow in the Yakima River This canal was taken out and it carried about 150 cubic feet of water, and it has been used continuously ever since.

In 1903 the Indian Office filed an appropriation, or notice of an appropriation, of a thousand cubic feet of water in this river on behalf of the Indians. In other words, the department made no claim that the Indians were entitled to half the water because their lands bordered the river, but it recognized that if the Indians should get water for their lands they should get it by appropriation, according to the laws of the State of Washington.

But the records at the Indian Office will show that this appropriation was made out of the surplus waters of the Yakima River, and not out of the low-water flow. It recognized that all the low-water flow had been appropriated. There is an abundance of water—high water—in the Yakima River until along about the middle of June, and this appropriation was made out of that water. The notice specified, as the records in the Indian Office will show, that the appropriation was made not out of the low-water flow, not for the low-water season, but out of the surplus waters, in order that there might be water sufficient to produce two crops, possibly the first two crops in the year, recognizing that beyond that they had no legal right; that there was no water to appropriate.

Mr. POINDEXTER. The Government was the trustee. Which one of the bureaus of the Government was looking after the interests of the Indians in that regard, or had been looking after them? Who was responsible for their failure to comply with the terms necessary to appropriate the water at the low stage of the river?

I merely call attention to the fact that when the case of these Indians is to be considered here as a legislative matter with questions that are in the discretion of the Congress of the United States to deal with, the Government is not in the position of one business man dealing with another business man, but is in a peculiar position, and the case ought to be considered upon that basis. The very officials in whose offices the notices were filed were agents and officials of the Government, which Government was in duty bound to look after the interests of the Indians in that regard as well as others.

Mr. JONES. I recognize that, and I am simply stating these facts to get the condition before the Senate for the position that I am going to contend for a little later.

One thing is certain, the Indians themselves did not use the water. It was there for them. They come now to Congress and plead that they want the same rights as the white man. They had the same right to divert the water; they did not do it. If they claim the same rights, then to a certain extent they are under the same duties as the white man. The white man could not sit by on his land as this water was going by and keep everybody from using it or claim that some time in the future, when he got ready to use it, he wanted to take it out and thereby stop all future development.

Of course, we recognize that they are the wards of the Government. The proper officials of the Government ought to see that their rights are protected. The officials of the Government might file their notices of appropriation, of course, but that would not hold the water unless it was diverted—unless it was used. There was nothing to prevent the Indian from taking out the water except, of course, his nature and his disposition, with which I have no quarrel; but I submit that this should not prevent the use of water by those desiring to use it and willing to divert it. But it is a fact that the water was not used on much of the reservation until the low-water flow was actually put to a beneficial use on other lands. Then, whether the officials of the Government did their duty or not, they did file the notice of appropriation, as I have specified.

The reclamation act was passed. Up to that time, as I said, we had reclaimed in that valley about 130,000 acres of land. All of the low-water flow had been diverted and actually appropriated and used. The reclamation people saw the possibility of development in this valley, and they saw by storing the water that there could be four or five hundred thousand acres of land reclaimed, including the lands of the Yakima Indian Reservation that had not been irrigated and for which water had not been actually diverted. Water rights were in a chaotic condition.

Those of you who know about the condition in the western country know that when a man comes to give notice of an appropriation of water he always gives notice of appropriating really more than he needs and more than he uses. This was the custom followed in our section. When the reclamation people went in there the claims to water in the Yakima River were three or more times the capacity of the river. So they said, "These claims must be adjusted. We recognize that

every drop of the low-water flow of the Yakima River has been actually appropriated and actually diverted and put to beneficial use, and in order for us to go in there and reclaim any land we must store all the water we can use, and whatever reclamation we do must be done with stored water." They recognized that condition. They said, "You must adjust your rights so that they will not cover more than the low-water flow in the river, so that we will have our stored water free of any claim and without interference."

For a year or two the people of that valley from the headwaters to the mouth of the river, a distance of probably 135 miles, negotiated among themselves and adjusted their rights. The Secretary of the Interior, Mr. Hitchcock, looked into the claim of the Indians. They submitted their claim to him for half of the flow in the Yakima River. He had the matter investigated not only by the legal authorities of the Indian Office, but by the legal authorities in his office, and they decided that under the treaty the Indians were not entitled to have half the flow of the river.

Right here I will say that the only language in that treaty which refers to water is the language that gives to the Indians the exclusive right to fish in the stream. It is different from other treaties that have been construed by the Supreme Court. But leaving out the construction of the treaty, which I do not consider it necessary to discuss, Secretary Hitchcock held that the Indians were not entitled by riparian rights to one-half the flow of the river. He held that they were entitled to what they had actually diverted, what they had actually put to a beneficial use, and the Secretary fixed that amount at 147 cubic feet. That was accepted in the settlement of all the water rights along the river.

There was an irrigation company that had constructed a very large canal known as the Sunnyside Canal. That was opened, I think, in 1890 or 1892. They began their appropriations away back in 1880 and developed it as rapidly as possible, claiming under their appropriation 1,050 cubic feet of water. This claim had to be adjusted in settling the water rights, and it had to be cut down by the Secretary in order to bring the water rights for the water users of that valley down to the amount of the low-water flow. This claim, with the others that had been scaled down, still exceeded the low-water flow.

Finally the Government, in order to solve this problem, bought the Sunnyside Canal, and it owns and operates it to-day. It fixed the rights of the Sunnyside Canal at 650 cubic feet of water, and on this basis the rights were finally adjusted, and whatever might be necessary to a further extension of the canal above the use of the 650 feet of water would be by stored water, and settlers under it would have to pay for that stored water in addition to the cost of canals.

It has developed that system until to-day it has under irrigation about 80,000 acres of land.

Now, here is the situation. If the claim that our Indian friends put up is conceded, that they are entitled to half the water in this river, the Government property is gone, because the Government's claim to water is subsequent to other claims for more than over half the water available, and if the Indians have half there is none for the Government canal except what it has stored. So if we admit that the Indian claim to half the water is good, we suffer a greater loss by recognizing it than it would cost us to furnish them water free for all their land.

If you want to take the position of these Indians and say they are entitled to half the water of that river, all right; we must give it to them, then, by furnishing them stored water and not taking away the property and the property values not only of the people in the valley who have gone there at our invitation, but also without destroying the Government's property and the Government's money that it has put in.

In connection with this matter, the Government has also taken up what is known as the Tieton unit of this great project and has spent $3,000,000 in the reclamation of that land. If you recognize the right of the Indians to bring a lawsuit and it is determined that they are entitled to one-half the water in the river then you destroy all that property, every bit of it, because every drop of water that is taken for that canal and for that unit has to be taken from the water flow of the Yakima River and replaced by storage water.

Mr. CLARK of Wyoming. Will the Senator permit a question? The Senator referred to the Tieton unit. Has that been pretty generally taken up?

Mr. JONES. Practically all of it.

Mr. CLARK of Wyoming. Can the Senator inform us what price the settler had to pay for the land on that unit?

Mr. JONES. The settler has to pay $93 an acre for water alone for that land.

Mr. CLARK of Wyoming. I knew it was a very large amount.

Mr. JONES. It is the highest, I suppose, in the United States. The lands can stand it. The lands are very valuable. They are wonderfully productive and fine fruit lands.

So we are confronted with that proposition, and that is something I want to avoid. If you throw this matter into court, no matter how it comes out, the Indians will not gain anything; the people of the valley will suffer and the Government will lose more than it would cost the Government to furnish the stored water for every foot of land on the reservation. If the Senate wants to say that these Indians are entitled to water for every acre of the reservation, well and good; I would be glad to have it say so; but I suppose that it is not possible for us to get that done. So I am supporting here a proposition to give the Indians something that they do not have now, and if this legislation is not passed we say we are not willing to recognize them as being entitled to anything. I am willing to follow the recommendation of Secretary Fisher, who says this with reference to Secretary Hitchcock's decision:

> Secretary Hitchcock had lawful authority to limit the rights of the Indians in the low-water flow of the Yakima River, and his limitation thereof to 147 cubic feet per second, which was a part of the general settlement of water rights in the valley, is valid and binding.

Then he goes on in his report to say, however, that while that was legal and binding he hardly thought it was an equitable adjustment. He thought that by reason of the fact that these are wards of the Nation they ought to be given enough to irrigate a sufficient amount of land to furnish a home for every Indian there. So he urges as an equitable adjustment of the matter instead of giving to the Indians 147 cubic feet of water, which was all they were entitled to of the low water flow according to his decision, that we shall give them 400 cubic feet of water, or a sufficient amount of water to irrigate 20 acres of land out of each 80 acres allotment under this canal—that is, we furnish each man, woman, and child a free water right for 20 acres of land and make available water that can be acquired for the other 60.

Now, it is suggested that 30,000 acres have been irrigated, and we are allowing water for only 2,000 acres more. More than that amount of land has been partly irrigated on this reservation, but not by a water right that is recognized as attaching to the low water flow.

Many persons have gone in there under this surplus-water appropriation and have reclaimed land. They can get a second crop of alfalfa out of the surplus water and before the low-water season comes; but every year we have had contentions and trouble about getting water when we get to the low-water flow.

In determining these rights in the adjustment in 1905 one of the conditions imposed by Secretary Hitchcock before he would adopt a reclamation project was that suits that had then been commenced with reference to water rights in this valley should be adjusted and settled, and those suits were adjusted and were settled.

So, while it is true that more than 30,000 acres of land have been brought under irrigation, nothing like that amount has a good water right; that is, a water right that is good in the low-water season. That is what I mean by that. This provision recognizes the possible free use of water to more than 32,000 acres. Out of this, as a matter of fact, only about 14,000 acres has a good water right. There are about 18,000 acres of land that belonged to Indians who have died and that was sold to other people, who thought they were entitled to some irrigation rights. Possibly some water had been used on some of those lands during the high-water flow. They may have what we call a partial water right.

The second clause of the amendment recognizes this situation and allows the Secretary to make an equitable adjustment. There may be a part of this land that will get its water right without having to pay anything, while some may have to pay for half a right and some for all.

Mr. POINDEXTER. Mr. President——

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

Mr. JONES. Certainly.

Mr. POINDEXTER. On the particular provision the Senator is now calling attention to—of course it is only a suggestion and I do not mean to say that it would be a proper settlement of the case—but by comparison with the provision for the 18,000 acres of land which the Senator refers to as now owned by white men, why should there be a discrimination as to the 70,000 acres that are owned by Indians? You allow the Secretary of the Interior to make an equitable adjustment with white men who own the 18,000 acres, and yet the bill provides that the Indians who own the 70,000 acres shall pay for the water.

Mr. JONES. The 70,000 acres is land upon which no water has ever been placed. It has no water right at all by diversion and use. That is the basis for that. A part of the 18,000 acres has actually been irrigated already in the surplus water season or otherwise, as I said.

Mr. POINDEXTER. I do not think that distinguishes this situation at all. The question now before the Senate for disposal is the question, Who shall pay for the water, whether it has already been obtained, or whether it is to be obtained? The 18,000 acres is a part of the Indian allotment. The 70,000 acres is a part of the Indian allotment. There is no reason in the world why, because of the fact that some of the Indians have died and the land has gone into the hands of white men, their lands should occupy a preferential status to that which remains in the hands of the Indians.

Mr. JONES. Of course, the Senator does not intend to do it, but he misrepresents my position or the position of the Secretary, as evidenced by the provision in the bill, because this was drawn in the Secretary's office and recommended by the Secretary. The provision is not made because people bought the lands of Indians who died. It is made because, when they bought the land, water had already been used on it and was then being used on it, and therefore they may have some equitable rights to the use of the water. There was some kind of a water right to some or all of this land.

There are three classes of land recognized in this bill: First, the 32,000 acres for which the Secretary recognizes that the Indians are entitled to a full free-water right because of water that had been diverted and used on the land because of the fact that Secretary Hitchcock, in the opinion of the present Secretary, did not make a sufficient allowance. Then there is included the 18,000 acres of land upon which water had also been used, but for which there may be an imperfect water right and which has passed into the hands of white people who bought it after such water had been put on it.

Some of these people may have a good claim to a full water right for their land; some of them may not, some of them may, be entitled to surplus water out of the river. This condition actually exists, and the Secretary felt that it should be recognized and adjusted equitably. What their actual rights are we do not know, but leave them for the Secretary to ascertain and determine.

Then there is another class of these lands to which water has never been applied. That is the 70,000 acres. It seems to me that the distinction with reference to these three classes of land is very plain.

I do not like to take up too much of the time of the Senate, and yet this is the most important proposition that I have presented since I have been in Congress; affecting not only the interests of my locality, but also affecting the interests of the Government. We have a situation there that is unfortunate. The lands on this reservation are not worth anything without water; that is true. They will produce hardly a spear of grass without water; it is absolutely desert land without water, but the water has been taken out in perfect good faith at the invitation of the Government and applied to a beneficial use; other lands have been reclaimed, and there is no water available for much of these lands unless it be stored, unless you take it away from these people who have made a beneficial use of it.

We ought not to do that; and if the Indians are legally entitled, by reason of their treaty, to half the water of the Yakima River, or a sufficient amount to irrigate all the irrigable lands on the Yakima Indian Reservation, it is the duty of Congress to provide that water without taking it away from those who are already using it, and without destroying values in one of the most prosperous sections in this country.

I shall find no fault with the Senate if it provides in this bill for water free to all the lands of the Yakima Indian Reservation. As I said, I want justice done the Indians, and the more Congress will do for them the better I will be pleased, but something must be done and done now. Neither the Government nor that locality nor the Indians can afford to have this matter go into court. At the end of possibly 5 or 10 years of a lawsuit, with property values disturbed and destroyed, what will you have for the Indians? Suppose the court says that they are entitled to half the water. That does not put it on the Indian's land; that does not build up his farm; that does not make his crops grow—not at all; but it destroys the values which are in the valley now; it destroys the community. It not only destroys the community, but it destroys more money and property of the Government itself than it would cost to buy sufficient stored water for all these lands. Under the Sunnyside Canal alone the Government would lose $2,000,000.

You may say the Government ought not to have gotten into this situation. That may be true, but it is in it. It has bought the Sunnyside Canal and extended it. The Tieton Canal and its reservoir have been built and over $3,000,000 expended. The people now are paying it back at the rate of $93 an acre for the water right. Are you going to destroy that value simply because the Indians have a claim by reason of a treaty made in 1855, which is vague and uncertain in its terms? I say, instead of doing that, if you think they have an equitable claim, you should appropriate in this bill now a sufficient amount to recoup the Indians, because we have reached a most critical stage. Unless legislation of this kind is passed we are going to get into the courts; we are going to have litigation. Every water right will be clouded and unsettled. Development will cease and values will fall.

This matter was put in the bill at the last session of Congress; it was not agreed to in conference, but a provision was inserted directing the Secretary of the Interior to fully investigate the situation and to make a report to Congress as to what ought to be done in view of the situation there. Pursuant to that direction the Secretary has submitted the provision in this bill. The Secretary of the Interior visited the Yakima Reservation personally; he had a hearing with those Indians; he talked the whole matter over with them—heard their side, looked into the whole situation—and he is thoroughly familiar with it.

What did some of those Indians say? What did some of the Indians want to do? They said, "We do not want the white man on here at all; we want our lands as they have always been." They did not want to irrigate them; they did not want to develop them. It is not their nature; it is not their disposition to do so. They want that country to continue in its present condition. As a matter of fact, most of the lands that are farmed passed into the hands of the white people by lease or otherwise. The lands that are now farms are largely farmed by white people under lease. They are getting the benefit.

As I said a few moments ago—and I think I know what I am talking about—I know that the great opposition to this proposition comes from those who have purchased land of dead Indians and who expect and hope to get water rights free.

Mr. TOWNSEND. Mr. President——

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

Mr. JONES. I do.

Mr. TOWNSEND. Can the Senator from Washington tell us whether any of these irrigation works have been instituted and completed in whole or in part by the Indians' money—by money which belongs entirely to the Indians?

Mr. JONES. No; they have not.

Mr. TOWNSEND. Has the Government expended all of the money?

Mr. JONES. Practically all of it. Some of the labor on the canal, which was built in 1894, was Indian labor, but I think they got paid for it out of the money that we appropriated. In most of our appropriations, if not in all—I will not say whether in all or not—there is a provision that such expenditures shall be reimbursed, but none of it has been yet reimbursed, and it is hardly fair, even, that we should require that money to come back out of the tribal fund, because, as I said a moment ago, the benefit has come to individual Indians and to individual allotments.

Mr. President, what benefit does the Indian get out of this? Well, he gets this: He gets a water right for 20 acres of land out of his allotment. What is that worth with that water right? It is worth $250 an acre. That is what it is worth, and that is what a white man would get out of it. What is the balance of his allotment worth with a sure prospect of water? It is worth $200 an acre. He can take the other $50 dollars and buy a water right. That is what this bill would do for the Indian. It will make 20 acres of their allotment worth $200 or $250 an acre; it will make the remainder of the allotment worth at least $150, if not $200, an acre. Does that look very much like damage to the Indian? But few allotments throughout the country are worth this, and these lands were not one one-hundredth of this valley when the treaty was made. This value has come too largely by the development that would be destroyed if the Indian's claim goes to court.

Some of the protests refer to the bill which is known as the Jones bill of 1906. What did the bill provide? It was indorsed by Secretary Hitchcock and to meet one of his requirements in connection with the reclamation project. It provided that each Indian allottee might sell so much of his allotment as might be necessary to buy a water right for 20 acres. What did some of the white men on that reservation do? They told the Indians that that bill required them to sell 60 acres of their allotment; they made the Indian believe it; they denounced me and they denounced the bill which I had had passed, because they said that it compelled the Indian to sell 60 acres of his allotment in order to buy the water right for 20 acres, when the bill had no such purpose within its language or intent, but simply permitted the

Indian to sell so much of his allotment as might be necessary to acquire a water right for the other 20 acres. He did not have to sell a foot of it.

If he had money in his tribal fund to his credit, he could use it in the purchase of a water right, not only for 20 acres, but for the whole 80 acres, if he wanted to do so, and have the whole tract with a water right. So, in this case, misrepresentations have been made to the Indians with reference to the purpose of this measure.

Mr. President, this measure is for the real benefit of the Indians of that valley. I do not want to injure them. I recognize their helpless condition and their helpless estate; no man will go further to protect those Indians than will I. As I have said, I think I know what is behind this proposition; I know of the conditions there. It is an unfortunate situation. Not only in behalf of the Indians, but in behalf of the locality and in behalf of the Government we should pass some legislation of this kind.

To my mind, it is useless to discuss the legal phases of this matter. It is a situation that confronts us that must be met by action; in other words, it is a condition and not a theory, legal or otherwise, that confronts this Congress. You may reject this bill, Mr. President; you may put this proposition into court, but the Government of the United States will lose far more money than it will cost to buy a free-water right for those Indians for every acre of the land. Put it into court, and the Indian will gain nothing; and you destroy the prosperity of what is to-day one of the most prosperous sections of the United States.

That is the situation and that is the reason I am so anxious about this matter. I want to see those Indians prosper; I want to see those lands reclaimed; I want to see them irrigated. It is said in either the protest which has been read here or in a letter that was submitted by some man who knows nothing about conditions there, "Let us go on and develop the Wapato unit as contemplated heretofore, and we can do it much cheaper than this." What does that mean? That means that thousands of acres of as rich land as there is in the country would go forever without irrigation.

The Secretary proposes—and this my conservation friends should take into account—the very highest possible development. He wants to make available every drop of water that is available and to use it upon every acre of land that can possibly be reclaimed, and accordingly the plans have been drawn up.

The proposition involved in this legislation contemplates the highest possible irrigation development. Instead of reclaiming 50,000 or 60,000 acres, as was the contemplation in the Wapato as originally called, and when the first canals were constructed, this contemplates the reclamation of 120,000 acres, with possibly 14,000 or 15,000 acres more. That ought to be done. That would be beneficial to the Indians.

You may say it will cost more. Possibly it may—probably not more per acre, but more in the aggregate—but what does it mean? It means that more Indian allottees will have their lands irrigated than if the other method is followed. Under the other method probably 60,000 acres will be reclaimed and probably 700 or 800 Indian allottees will get some benefit, while under this proposition 120,000 acres will be reclaimed and 1,800 Indian allottees will get the benefit. This is worth something to consider, even from the Indians' standpoint. Yet our friends who have presented the protest do not take that into account; their eyes are centered on their own individual interests. That is all there is to it.

Mr. President, I do not feel that I ought to take any more of the time of the Senate. I do feel, however, that I know more about this situation than any other Senator on this floor, and I do not feel that I am belittling the knowledge of other Senators when I say that. I make the same appeal to the Senator from Massachusetts that the Senator from Minnesota [Mr. CLAPP] made to the Senator from Indiana [Mr. KERN] this morning, and I hope that it will bear the same fruit and the same result. I think I am just as devoted to the interests of the Indians as is the Senator from Massachusetts, but I want also to look at these other interests. I want them taken care of.

If the Senate thinks that we are not making a sufficient provision for the Indians, I will be glad to have you make whatever you think ought to be made, but you must do something; if you do not, you work irreparable injury upon a prosperous and happy community, and you probably will entail upon the Government great loss.

The Government has acquired this property under the Sunnyside project. I think they have spent over $2,000,000 and they have reclaimed, since they took charge of it, nearly 40,000 acres of land. The water-right charge for those lands is $52 an acre. If you take this water away and give it to the Indians, you take it away from those people and destroy their homes. If you say the Indians are entitled to it give it to them, give them their water free; and if 32,000 acres is not enough, give them free water for 120,000 acres—the Government would be the gainer by doing so—instead of bringing us into lawsuits.

Mr. POINDEXTER. Mr. President——

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

Mr. JONES. Certainly.

Mr. POINDEXTER. Before the Senator takes his seat, I want to ask him, if he can do so without impropriety, to state in general who the parties are who he says are interested in this matter, who have received lands from the Indians, and who are fomenting this criticism of the amendment.

Mr. JONES. It would not do any good for me to give the names.

Mr. POINDEXTER. I notice a clause in the amendment which makes a special provision, as I understand, for all the lands that have been conveyed from the Indians and to which the Indian title has been extinguished. Those people seem to be in the class to which the Senator is referring. They are well taken care of in the amendment, and I scarcely see how they could be interested in the defeat of this measure.

Mr. JONES. They do not think they are taken care of. They are afraid the Secretary will say they must pay for their water right. It leaves the matter to him to adjust. They are afraid that he will say, "You have got to pay thirty or thirty-five dollars an acre for your water right."

Mr. POINDEXTER. But the provision fixes the liability of the Indians for their proportionate share of the land and leaves the remainder of it to the equitable adjustment of the Secretary of the Interior.

Mr. JONES. Well, I have tried to make that plain.

Mr. POINDEXTER. I scarcely see how those people could be interested in the defeat of this measure.

Mr. JONES. I can see how it is. The Senator may not possibly see it, but I can. If they can get their water, if the Indians can finally establish the right to one-half the water of that river, then these people have their water right to that land without any pay at all, without any price whatever; but if they can not do it, if it is left to the Secretary of the Interior, and he looks into the equities and says, "Here, you gentlemen have not a good water right to your land; you have only got the right to use the water during the high-water flow, and for the months of July, August, and September, when the water is low, you will have to pay for the water right," then they will have to pay for it, and that is what they hope to avoid.

Mr. POINDEXTER. I want to say to the Senator, in passing, that I think he is mistaken in the basis of his argument that the people who are interested in protecting the Indian rights in this matter are opposed entirely to the amendment or to the irrigation project.

Mr. JONES. What do they want to do?

Mr. POINDEXTER. That is not the question. They want to make an equitable adjustment of the rights of the various parties. That is what they want to do.

Mr. JONES. How are they going to do it?

Mr. POINDEXTER. If the Senator desires me to state that now, I will do so.

Mr. JONES. I do.

Mr. POINDEXTER. Or I will wait until he takes his seat.

Mr. JONES. I should like very much to have the Senator state it now.

Mr. POINDEXTER. It will take me some little time.

Mr. JONES. All right.

Mr. POINDEXTER. I prefer to wait until the Senator concludes. Then I will state it.

Mr. JONES. Of course, any proposition that will adjust this matter satisfactorily is agreeable to me, but I want our friends who want to do justice——

Mr. POINDEXTER. For the purpose of allowing the Senator to comment on it I will say that one way in which we propose to adjust it is to strike out the word "thirty-two," in line 13, page 60, and insert "sixty-four."

Mr. JONES. I shall not object to that.

Mr. POINDEXTER. The Senator does not object to it?

Mr. JONES. Not at all.

Mr. POINDEXTER. I think probably we can agree on this whole thing, then.

Mr. JONES. I tried to make it plain that if the Senator——

Mr. POINDEXTER. Another amendment which I will offer is simply supplementary to that. That increases the amount of the allotment for which the Indians will receive free water, and consequently reduces the amount of the allotment for

which the charge is to be made; and so it will be necessary to strike out "seventy" in line 20 and insert "thirty-eight."

Mr. JONES. There will be no issue at all between my colleague and myself upon that. The only trouble we are going to have is with the Senator from Massachusetts.

Mr. POINDEXTER. I do not anticipate any trouble with him. Another proposition in this adjustment which I think we are going to agree on is to strike out the words "said lands," in line 23, and insert in the place thereof "the undivided tribal property of the allottees thereof," so as to make this charge for 40 acres of each allotment against the undivided tribal property of the allottees, instead of against the land.

Mr. JONES. That is, the Senator would not intend to make the charge against any portion of the allotment except that which belongs to the allottee who gets the benefit from the irrigation?

Mr. POINDEXTER. Yes.

Mr. JONES. I should have no objection to that.

Mr. POINDEXTER. I was anticipating, while the Senator was speaking, that his argument was based upon a misunderstanding of the position of the Indians themselves. They are not objecting to this improvement.

Mr. JONES. I think the Senator does not exactly understand the petition of the Indians, but that is a matter that does not make any difference. What I want to do is to get this matter adjusted without getting into court. I want to appeal to the Senator from Massachusetts—and I think in this appeal my colleague will join me—that if this provision is not satisfactory as it is, let us make it satisfactory; but let us meet a local situation that is of the most serious character in some way so that it can be adjusted without getting into court, and without disturbing all these values, and disturbing the values of the Government's property as well.

Mr. LODGE. Mr. President, if the Senator will allow me, I have no desire in this matter except to protect properly the rights of the Indians. It did not seem to me that this amendment protected them properly. They have asked in their petition to go into court, and it seems not an unreasonable request; but I fully appreciate the objections to that course, which I think would be bad for them and for all concerned, because it would lead to great delay. I think they ought to have a larger share than is allotted to them here, however. On the Tieton and Sunnyside projects, as I understand, they are allowed 40 acres, and here the Indians are allowed only 20 acres.

Mr. JONES. No, Mr. President; the Senator misunderstands that. The Indians are allowed 80 acres, but they are allowed a free water right for only 20.

Mr. LODGE. I mean the water right.

Mr. JONES. Yes. They can purchase a water right for the other 60 if they desire.

Mr. LODGE. The Reclamation Service gives 40 acres as a minimum farm unit for settlers under the Sunnyside and Tieton projects, which embrace lands similar to these Yakima lands which it is proposed to irrigate.

Mr. JONES. That is correct. If the Senator will permit me, that means that under the Tieton unit a man can not possibly acquire a water right for more than 40 acres. Whether he has the money to buy it or whether he has not, he can not do it. But the Indian is not limited to that. He is limited to his 80 acres.

Mr. LODGE. All I want to do is to protect the rights of the Indians. It seems to me the propositions made by the junior Senator from Washington are fair and that they do preserve the Indians' rights.

Mr. JONES. They are entirely agreeable to me. I will be glad to have the Senate adopt them.

Mr. LODGE. If the senior Senator from Washington accepts those amendments, I, for my part, will withdraw the point of order.

Mr. JONES. I am very glad of that, because I am glad to accept the amendments. I want to benefit the Indians and do everything that Congress will sanction in the matter.

Mr. GAMBLE. Will the junior Senator from Washington submit his amendments, so that the Senate may have them?

The PRESIDENT pro tempore. The amendments have not yet been submitted.

Mr. POINDEXTER. I submit the amendments now; and in addition to the ones I have stated I submit the following changes in the language, so as to make it more certain:

I move to insert, in line 22, page 60, after the word "that," the words "portion of said waters"; after the word "which," in line 23, to insert the word "proportionate"; after the word "charge," in line 23, to insert the words "and lien," so that it will read as stated in the amendment that I send to the desk.

The PRESIDENT pro tempore. The proposed amendment to the amendment will be stated.

The SECRETARY. On page 60, line 13, it is proposed to strike out "thirty-two" and insert "sixty-four"; in line 20 it is proposed to strike out "seventy" and insert "thirty-eight"; in line 22, after the word "that," it is proposed to insert "portion of said waters"; in line 23, after the word "which," it is proposed to insert "proportionate"; in the same line, after the word "charge," it is proposed to insert "and lien"; and in the same line it is proposed to strike out the words "said lands" and insert "the undivided tribal property of the allottees thereof," and a comma, so as to read:

That the lands within the project on the Yakima Indian Reservation owned by Indians in fee or otherwise to the extent of 64,000 acres, estimated to be necessary for the support of Indians allotted within the project, for which a water supply of 400 cubic feet per second of time is required, shall receive water free of any and all cost or charge on account of said storage works.

That other lands under Indian ownership to the extent of 38,000 acres additional, more or less, shall bear the proportionate acreage cost for providing said storage waters in the river, except that portion of said waters provided for in the preceding paragraph, which proportionate cost shall be a charge and lien against the undivided tribal property of the allottees thereof, to be paid on such terms and under such regulations as the Secretary of the Interior shall prescribe.

Mr. OWEN. This amendment is simply perfecting the amendment of the Senator from Washington?

The PRESIDENT pro tempore. Yes. The question is on the amendment of the Senator from Washington to the amendment of the committee.

The amendment to the amendment was agreed to.

The PRESIDENT pro tempore. In the absence of objection, the amendment as amended will be agreed to.

Mr. OWEN. I object to that amendment, and make the point of order against it.

Mr. JONES. Mr. President, I do not know whether this is subject to a point of order or not, but I want to appeal to the Senator from Oklahoma not to insist upon his point of order. I know that he does not desire either to injure those Indians or to injure that locality or to bring loss upon the Government. I do feel that if he recognized the situation there he would not insist upon his point of order. While, of course, the interests of the Government are at stake, it is largely a local proposition, and it means more to the locality in which I have lived during the last 24 years than any other legislation could possibly mean to any locality in the country. I want to appeal to the Senator from Oklahoma just as strongly as I possibly can, in behalf of my home and in behalf of the people with whom I have lived for so many years and whose interests I want to promote along with that of the Indians, not to insist upon his point of order.

Mr. KENYON. I should like to inquire of the Senator how much is appropriated from the Federal Treasury by this project?

Mr. JONES. In the provision here $1,800,000; but the great part of that is to come back from those who acquire the water rights. The white people who get this other land, the land that is not furnished with free water right, must pay back to the Treasury of the United States the amount apportioned for their water right; so that while we appropriate $1,800,000—I want to say that in conference that might be arranged to be spread over three or four years—probably half of it, anyhow, will come back to the Treasury.

Mr. KENYON. Within what time?

Mr. JONES. The Secretary is left to arrange the manner of payment. Under the reclamation act it is payable in 10 annual installments. The Secretary can fix it in five annual payments, however, if he desires. I think that would be a very reasonable adjustment to make of it, so far as that is concerned. So a good part of this money will come back. I hardly believe that the provision is subject to a point of order. It seems to me it is a provision that is germane to the bill. I do hope, however, the Senator from Oklahoma will not insist upon his point of order.

Mr. OWEN. I should like to ask the Senator from Washington how much of this $1,800,000 will be repaid to the Government?

Mr. JONES. It was estimated that under this provision, as it was originally framed, about $1,300,000 of it would be paid back into the Treasury. Just what effect the amendment of my colleague will have on that amount I can not say. It will somewhat lessen it.

Mr. OWEN. I should like to ask the Senator from Washington what is the explanation of the $500,000 that will not be repaid to the Government?

Mr. JONES. That went to pay for the free water rights for the Indians. Under this bill we furnish a water right free—that is, store water free—for 32,000 acres. The cost of stor-

ing is estimated at about $15 an acre. So that $500,000, in effect, went to pay for a free water right for the Indian allottees. That goes to the Indians; so that whatever does not come back into the Treasury goes to the benefit of the Yakima Indians, and to nobody else.

Mr. OWEN. Were there not certain white settlers there who had previous water rights in this area?

Mr. JONES. No; not in this reservation. The reservation was made in 1855, and there was no irrigation going on then at all.

Mr. OWEN. Do I understand that the amendment which has been proposed to this amendment in effect cures the protests which have been filed against it?

Mr. JONES. I understand so, and it is entirely satisfactory to me.

Mr. OWEN. I dislike very much to make a point of order about a matter in a Senator's State in which he is so deeply interested.

Mr. JONES. I hope the Senator will not do it.

Mr. OWEN. These points of order are only made against Oklahoma, apparently.

Mr. JONES. I have not made any point of order against Oklahoma.

Mr. OWEN. No; I know that; but Oklahoma seems to be peculiarly the object of these points of order.

Mr. JONES. I hope the Senator will not take it out on me.

Mr. OWEN. I will say to the Senator that I do not think the appropriation of $1,800,000 out of the Federal Treasury on this bill in this way without further hearing is good practice.

Mr. JONES. Mr. President, let me say to the Senator that I know it is a large amount, and yet this is not without investigation. As I said, this was in the bill before, and the Secretary recommended it. Then we cut it out and passed a resolution requiring the Secretary to report on it to Congress, and the Secretary sent his agents out, directing them to investigate the whole situation and report. The Secretary visited there himself and looked into it and then submitted this recommendation, so that the matter has been investigated very carefully and very thoroughly.

Mr. OWEN. This is now in accordance with the recommendation of the Secretary?

Mr. JONES. It was as put in here. We are more liberal to the Indians than the Secretary with the amendment we have put in.

Mr. OWEN. I will withdraw the point of order.

Mr. JONES. I certainly appreciate that.

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

Mr. POINDEXTER. I ask unanimous consent to print in the RECORD in connection with this matter, in order that it may be in the RECORD for use in the further consideration of it, two letters on this subject from Mr. Brosius, the agent of the Indian Rights Association, a petition from the Yakima Indians and allottees of the Yakima Indian Reservation dated January 30, 1913; and a series of resolutions of the Yakima Water Users' Association.

The PRESIDENT pro tempore. Without objection that order will be made.

The matter referred to is as follows:

INDIAN RIGHTS ASSOCIATION,
Washington, D C., February 20, 1913.

We respectfully urge consideration of the inclosed copy of a protest of the Yakima Indians, State of Washington, against the amendments of the Senate incorporated in the Indian appropriation act (H. R. 26874, calendar No. 1071), which appropriates $1,800,000 for constructing storage reservoirs on the Yakima River, Wash., said amount being chiefly reimbursable from the value of water rights appurtenant to the lands allotted Yakima Indians.

The inclosed memorial (H. Doc. No. 1304, 62d Cong., 3d sess.) presents the claim of the Indians more definitely and fully.

We inclose the resolution of the Yakima Reservation Water Users' Association of February 8, 1913, protesting against the legislation in question and urging that the status of the water rights appurtenant to the Yakima Reservation lands be determined by proper legal proceedings.

The proposed legislation limits the free use of storage water to 400 cubic feet per second, estimated to be sufficient for the irrigation of about 20 acres per capita. The Indians insist that they have heretofore used about 1,000 cubic feet of water per second, and that the limitation to 400 cubic feet per second deprives them of water for irrigation to which they are justly entitled by prior appropriation and by riparian rights.

We call your attention to the fact that the Indians whose land and water rights are affected by this legislation are citizens of the United States, that they have a vested right to the allotted lands and can determine by judicial proceeding any right claimed by them to the waters of the Yakima River for irrigation to as full an extent as may be done by other citizens. Yet, notwithstanding the fact that these Indians are sui juris, the Government controls their property so that their funds are not available for their use in securing a judicial determination of their rights. It will be very difficult for the Indians to secure a sufficient contribution from their private means to prosecute the necessary litigation and, indeed, they should not be compelled to do so.

We submit, therefore, that it is most important to determine the right of these Indians to the use of these irrigable waters before the proposed legislation is adopted.

Very respectfully,

S. M. BROSIUS,
Agent Indian Rights Association.

WASHINGTON, D. C., *February 24, 1913.*

Hon. MILES POINDEXTER,
United States Senate.

SIR: In the matter of legislation incorporated in the pending Indian appropriation act in the Senate (pp. 60–61), permit me to make a further suggestion. I feel quite sure that if water for irrigation sufficient for 40 acres for each allottee (being one-half of each 80-acre allotment already made) will be furnished free of storage charges, and each allottee be permitted in his discretion to buy the water right for the balance of his allotted lands by creating a lien upon his pro rata share of the undivided tribal property, it will meet with the approval of the Indians and their friends.

There will be ample funds derived from their tribal estate to apply to purchase of the additional water right. The value of the timberlands belonging to these Indians, I understand, is upward of $3,000,000.

We hope you will be able to make some provision of this kind, and then there will not be the dissatisfaction over defeat of the present legislation which may retard the development of the Yakima country.

If not over 20 acres of a free water right is secured by legislation, we very much fear that litigation will be commenced to determine the Indian right to water, and in that event the whole question will be very much delayed in settlement.

The Indians are entitled to more than 20 acres with a free water right, and we trust that they will secure justice.

Very respectfully,

S. M. BROSIUS,
Agent Indian Rights Association.

Petition.

To the COMMITTEE ON INDIAN AFFAIRS,
House of Representatives and Congress, Washington, D. C.:

We, the undersigned Yakima Indians and allottees of the Yakima Indian Reservation, have assembled in council January 30, 1913, at White Swan, Wash., on the Yakima Indian Reservation.

We pray for what we think a just right and a right that belongs to us. First and above all we want our water canals on the Yakima Indian Reservation to remain as usual. We protest against the bill No. 6693, which W. L. JONES has prepared to introduce at this session of Congress. We find ourselves unable, under existing conditions, to comply with the requirements of the bill H. R. 26874. We have given this bill (6693) careful investigation, and have discovered it an injury to the Indians on this reservation, a depriving scheme, a scheme that will gradually grind our 80-acre allotments down to the minimum of 20 acres. Consequently, we pray and ask the Committee on Indian Affairs in both the House of Representatives and Congress to give our protest relative to the bill H. R. 26874 a thorough investigation. We bitterly oppose any scheme that arises from or is established by the reclamation act on the Yakima Indian Reservation. The present canals on the Yakima Indian Reservation were all erected from funds of the "Yakima Indian tribal fund," and they are of capacity sufficient to hold and flow water sufficient to irrigate all lands under these ditches, should we get our just claim of the Yakima River and Ahtanum Creek and a flow of these waters to supply the capacity of these abovementioned canals.

As to our claims of the Yakima River and Ahtanum Creek, we claim enough water to irrigate all our lands which are riparian to these streams. This river and creek are evidently known by the Government as the east and north boundary lines. Ahtanum Creek is a tributary of the Yakima River and the north boundary line, while the Yakima River is the east line. And both have a sufficient flow of water to supply all the lands available under the ditches, if we are granted our request.

Further, we claim all waters such as creeks, rivers, and spring waters within our boundary lines, and we pray and ask Congress and other officials in Washington, D. C., within their jurisdiction, to reserve these just rights to us.

WEYALLUP (his x mark) WAYACIKA.
Chief Judge Yakima Tribal Court.
And 141 other members of the Yakima tribe of Indians.
LOUIS MANN,
Corresponding Secretary of Yakima Indian Councils.

Be it resolved, That it is the sense of the Yakima Reservation Water Users' Association that the plans to irrigate the Yakima Indian Reservation suggested by the United States Reclamation Service and Secretary Fisher, involving an expense of between $5,000,000 and $6,000,000, be not approved. That it is the sense of the association that the old plans heretofore suggested by the Indian Department of the United States for the irrigation of the lands on the Yakima Indian Reservation irrigable by gravity flow of water, and which system has been practically two-thirds completed and can be completed for an expenditure of approximately $150,000, be the plan pursued in further irrigation on the Yakima Indian Reservation as to lands now irrigable by gravity flow. That if any land must or can be irrigated by pumping plants, that such lands be charged with the full expense thereof, and that no part of such expense be charged against lands which can now be irrigated by gravity flow by the last-named system. That we oppose the passage of the proposed bill to appropriate $1,800,000 for stored water.

Be it resolved, That it is the sense of the Yakima Reservation Water Users' Association that the United States Government should immediately bring or cause to be brought a suit to secure for the irrigable lands on the Yakima Indian Reservation a prior right to such of the waters of the Yakima River as will furnish sufficient water to irrigate the irrigable lands on such reservation. That the legal status of the water rights appurtenant to such reservation should be established and settled by proper legal proceedings at once.

YAKIMA WATER USERS' ASSOCIATION.
FRANK WILLIAMS, *President.*
HENRY JONES, *Secretary.*

FEBRUARY 8, 1913.

At a regular meeting of the Yakima Reservation Water Users' Association, held at Toppenish, Wash., on February 12, 1913, the following resolutions were unanimously adopted:

Whereas the unsettled condition of the water rights on the Yakima Indian Reservation since the arbitrary cutting down of the water supply by the Reclamation Department in 1905 have retarded development of lands and kept the Indian more dependent instead of improving his condition; and

Whereas the prior filing to the waters of the Yakima River by the superintendent of the Yakima Indian Agency, which filing is of record, was ignored by the Reclamation Department when apportioning the water rights in the Yakima Valley, as were also the treaty and riparian rights of the Yakima Indians; and

Whereas the only manner in which the water rights of reservation lands can be permanently settled is by the courts; and

Whereas we believe the proposed legislation will be found inoperative and only result in further delay, since the signature of 80 per cent of allottees and land owners, as required in the bill, can not be obtained under the conditions named; and

Whereas at no time in the past have any representatives of the Government taken sufficient time to thoroughly investigate the claims of the Indians as to their water rights, nor met with and consulted the water users, land owners, and allottees on the ground; and

Whereas the construction of an irrigation system on the plans prepared by the Reclamation Department would fail to meet the changed physical conditions due to the construction of the drainage system and in addition thereto would be practically prohibitive in cost: Therefore be it

Resolved, That we approve the request of the Indian Rights' Association, through their agent, S. M. Brosius, that the Attorney General be instructed to bring suit at once to determine the rights of the Yakima Indians to the natural flow of the Yakima River, a boundary stream of the Yakima Indian Reservation, and that owing to the urgency of the case and the constantly recurring water shortage each season every effort should be made to obtain a decision before the low-water period of 1913.

Resolved, That we request the appointment of a congressional committee to investigate the arbitrary attitude and acts of the Reclamation Department toward the Yakima Indians in having, since 1905, diverted waters previously filed on and appropriated to beneficial use by the Yakima Indians, and to report before the low-water period of 1913 in order to avoid litigation and further damage.

Resolved, That we protest against Senate bill No. 6693 and recommend that all legislation for appropriations of money for construction of a permanent irrigation system on the Yakima Indian Reservation be deferred until the Indian rights shall be determined in the manner aforesaid, and that full and sufficient water for all lands now irrigated be supplied without storage charge pending this decision.

Resolved, That we approve Secretary Fisher's recommendation that the reservation irrigation system be constructed by the Indian Department.

Resolved, That we protest against the adoption of the plans of the Reclamation Department for irrigating these lands as needlessly extravagant and costly, especially so on account of changed conditions since the construction of 42 miles of drainage ditch on plans prepared and executed by Engineer Martin, of the Indian Department.

Resolved, That we request the immediate appointment of a board of three engineers not connected in any manner with the Reclamation Department to investigate the present irrigation and drainage system, the total cost of which is approximately $8 per acre, and to recommend such immediate enlargement, changes, and improvements therein as shall result in a comprehensive system for watering and draining all the lands under the Wapato project, this board of engineers to be selected as follows:

One member by the President of the United States from the Board of Army Engineers.

One member by the Commissioner of Indian Affairs.

One member by the Yakima Indian Reservation Water Users' Association.

Resolved, That a copy of these resolutions be addressed to the respective chairmen of Committees on Indian Affairs in the House of Representatives and Senate of the United States, to the honorable Secretary of the Interior, to the Commissioner of Indian Affairs, to S. M. Brosius, agent of the Indian Rights Association, to our Senators and Representatives in Congress, and others interested, and that a copy be given the press for publication.

YAKIMA INDIAN RESERVATION WATER USERS' ASSOCIATION,
F. A. WILLIAMS, *President*.
HARRY JONES, *Secretary*.

Mr. POINDEXTER. In the same connection, without printing in the RECORD, I desire to call attention to Document 1304, Sixty-second Congress, third session, being a memorial of the Yakima Tribe of Indians protesting against the passage of this amendment as it was in its original form; and, also, as the basis of the rights of these Indians in this reservation, to cite the treaty with the Yakima and other tribes of Indians in 1855. I will say in passing that by accepting the conveyance thereof from the Indians, in that treaty the United States recognized the former title of the Indians to a vast domain in which now many cities of the State of Washington are located, which is set out, an imperial area, and described in the treaty; and in exchange for that magnificent grant which the United States received from the Indians in the treaty, the United States, on its part, set aside this reservation and agreed as follows:

All which tract shall be set apart and, so far as necessary, surveyed and marked out, for the exclusive use and benefit of said confederated tribes and bands of Indians, as an Indian reservation.

It is the contention of the Indians that that grant included the waters on the land to the same extent as the soil itself.

Mr. JONES. Mr. President, as part of my remarks, I desire to have printed a letter from the Secretary of the Interior, and the parts which I have indicated here from the reports to him.

The PRESIDENT pro tempore. Without objection that order will be made.

The matter referred to is a follows:

DEPARTMENT OF THE INTERIOR,
Washington, January 22, 1913.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIR: The Indian appropriation act approved August 24, 1912, contains the following provision:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to investigate the conditions on the Yakima Indian Reservation in the State of Washington with a view to determine the best, most practicable, and most feasible plan for providing water for such lands in said reservation as may be irrigated, and to cause surveys, plans, and reports to be made thereon, together with an estimated limit of cost of such irrigation project and to submit his report thereon to Congress on the first Monday in December, 1912, together with such facts and reasons in support of the same as may be necessary to advise Congress fully in regard thereto."

In accordance therewith I transmit a report prepared in the field by Supervising Engineer Swigart, of the Reclamation Service, Superintendent Don M. Carr, and Supervising Irrigation Engineer L. W. Holt, of the Indian Service. The latter portion of such joint report, consisting of plans and estimates for the irrigation system, is approved. The first part of the joint report, dealing with the history of irrigation on the reservation and conditions particularly concerning the needs of the Indians, requires corrections in two respects, viz, first, in the suggestion that the cost of the irrigation system be paid from the tribal funds, rather than from the lands irrigated; this suggestion does not meet with my approval. I am still of the opinion, as stated in my letter of June 13, 1912, to Senator GAMBLE, chairman of the Committee on Indian Affairs, that the cost not only of the storage works but of the entire irrigation system referred to should be charged upon these lands, and that the suggestion made by the joint report that it be defrayed from the tribal funds should not be approved, and the reasons for my position will be made clear further on in this report.

The joint report appears to me to be wrong in a second respect, in recommending that the 32,000 acres for which free storage is to be furnished be not segregated, but that the benefit of free storage be apportioned on all the irrigated lands, thus reducing the storage charge upon all such lands. I appreciate fully the difficulties set forth in the report, but I am convinced that the plan of segregation which would generally work out so that each allottee would have 20 acres segregated to him as free from storage charge is the most feasible method of correcting the error originally made in the allotments. The course recommended in the report avoids the questions presented by those allotments which have now come into the ownership and possession of white people. The principle of Senate bill 6693, with regard to these lands, was that the Secretary of the Interior be empowered to award them water rights in accordance with the equities which should be shown to him with respect to each tract, and I believe this to be the only practicable and just solution of the difficulties presented. Some of the white people who have purchased lands from Indian allottees have been making beneficial use of the water delivered through the existing Indian ditches, and doubtless a substantial equity arises from such use. Other lands lying under the Indian ditches, physically capable of irrigation therefrom, were purchased after the construction of the ditches and, as it is alleged, were intended to be irrigated from such ditches. It is claimed that the reason why this has not been done is the lack of water in the ditches, due to the mistake of the Government in limiting the Indians' claim to 147 second-feet and to delay of the Government in working out any solution of the difficulties which arose from that limitation. If these allegations and claims are true, there would appear to be some equity in these cases also. It may be, however, that some of the white holdings will not show either one of the equities referred to. The proper solution seems to be to deal with each case upon its merits.

Mr. JONES. After full conference with the heads and legal officers of the Indian Office and the Reclamation Service, I believe that the principles and policies which should control in the constructional and administrative problems presented by this project are the following:

(1) Secretary Hitchcock had lawful authority to limit the rights of the Indians in the low water flow of the Yakima River, and his limitation thereof to 147 cubic feet per second, which was a part of the general settlement of water rights in the valley, is valid and binding. Any other conclusion would involve the acceptance of the doctrine that the Indians, by virtue of the treaty of 1853, ratified in 1859, then acquired a vested right in the water flowing in the Yakima River, which is undetermined and must forever remain undeterminable as to quantity; for it is contended that it is to be measured at any given time by what then appears to be the duty of water for that area of which, from the economic and engineering standpoints, it is then feasible to irrigate; that it must be measured 50 years hence by what then appears the duty of water for the area which it then appears feasible to irrigate, and so for any point of time in the future. This would make it impossible to measure the future water rights of the Indians at any time, would prevent all irrigation development outside of the Indian reservation, and would amount to a reservation of the total flow of the river without any obligation on the part of the Indians to utilize the water, which might thus flow forever unused to the sea. The Indian treaty negotiated in 1853 and ratified in 1859 was to make possible the permanent settlement of the Yakima Indians and their transformation into an agricultural people; to reserve an abundance of land and of water rights out of which the real needs of the Indians for farms and for irrigation water for such farms could be satisfied as such needs might be determined by Congress or its duly authorized executive agent. It was not intended to reserve either lands or water rights above that measure, or to restrict the authority of Congress, or of the Secretay of the Inteior under the authority of Congress, to determine the measure of the water rights needed by the Indians.

(2) Nevertheless, it now appears that such limitation placed the Indian water right at a lower amount than sound administration and the real needs of the Indians require. Therefore, steps should now be taken to provide the Indians with additional water up to such amount without cost to them, but without questioning the legality and binding effect of Secretary Hitchcock's limitation. The best method for doing this is to furnish stored water to the Indians free of construction cost for storage up to the amount which should originally have been reserved for them.

(3) The measure of the water rights which should have been reserved for the Indians in 1906 from the low water flow was not the area of their allotments (120,000 acres in all, within the Wapato unit), but

approximately such area as would give each Indian family a farm adequate for its support under irrigation. This area has been fixed, on the recommendation of the Indian Office, at 32,000 acres, being 20 acres for each of the 1,600 allottees (men, women, and children). This would have given an Indian family of four (father, mother, and two children) water enough for 80 acres. The Government should therefore furnish stored water free of storage cost to such an amount as, together with the 147 second-feet reserved by Secretary Hitchcock, will be sufficient to irrigate 32,000 acres.

(4) The cost of storing water for the remaining 88,000 acres of the allotted lands should be paid by the Indians, or from the proceeds of their lands or resources.

(5) The water rights of white purchasers of Indian allotments and of Indian patentees in fee (free of restrictions) should be determined according to the equities of each case by the Secretary of the Interior upon the principle that such rights depend upon actual beneficial use except in so far as there is reasonable ground for finding that the failure to make beneficial use of the water is fairly chargeable to the Government. To justify such a finding the land must have been, at the time patent in fee issued or the title first passed from Indian to white, under the ditches built by the Indian Service, thus giving the purchaser or patentee in fee a basis for the belief that he could acquire a water right by beneficial use.

(6) The storage charge per acre-foot should be averaged for all lands in the valley without regard to the case of the particular reservoir from which any one unit or body of lands can be supplied. This is because that policy will result in the reclamation of the largest possible area and will thus permit the largest development of the agricultural resources in the valley. The determination of the storage charge for the Indian allotments should be made on this principle.

(7) Water service to lands in the valley should be by acre-feet without distinction between the natural flow and the stored waters.

(8) The storage works from which the Indian lands are to be served can and should be built as a part of the general storage system in the valley. The reclamation fund should not be charged with any part of such expenditure, but the cost should be paid by a lump appropriation to be expended by the Reclamation Service on said general storage system. The amount of this appropriation should be determined by multiplying the total area of the allotments (120,000 acres) by an acreage charge calculated from the assumed duty of water for the Indian lands. Of this total appropriation thirty-two thousand one-hundred-and-twenty-thousandths, or four-fifteenths, should be nonreimbursable, since the stored water in excess of 147 second-feet paid for by said fraction will be the reparation made by the United States, because the limitation made by Secretary Hitchcock is now found to have been less than the Indians are fairly entitled to and reasonably need. The remaining eleven-fifteenths of this total appropriation should be repaid to the Treasury of the United States from the Indian lands or resources.

(9) The distribution works for the allotted lands (Wapato unit) should be built by the Indian Service from appropriations made from year to year, the cost thereof to be repaid from the Indian lands or resources.

To the principles above stated the following should be added:

(10) Sound public policy and the principles of equity forbid the Federal Government to appropriate or advance public funds for the irrigation of lands allotted to Indians who are asserting a claim for water rights appurtenant to such lands contrary to the public interests and in excess of the measure of their real needs as determined by the Secretary of the Interior. Therefore no steps for the enlargement of the storage or distribution works for the benefit of the lands in the Wapato unit, or for deliveries of water thereto in excess of deliveries appropriate under the limitation to 147 second-feet, should be undertaken until at least 80 per cent of the allotted and a like per cent of the patented lands in said unit shall have been pledged by the allottees or owners thereof for the repayment of the cost of the works in accordance with the principles hereinbefore stated, nor until all other claims for, or arising out of, water rights shall have been properly waived by the allottees or owners so pledging their lands; and no benefit from the works constructed on the faith of such pledges should accrue, by enlarged deliveries of water or otherwise, to any lands within the unit not so pledged with waiver.

(11) The power of Congress to modify the treaty and reduce the Indians' water rights thereunder is unquestionable (Lone Wolf v. Hitchcock, 187 U. S., 553). Therefore specific legislation should be enacted embodying, or based upon, the principles above stated.

With respect to the details of S. 6693, I respectfully refer to my letter of June 13, 1912, to Senator GAMBLE, above mentioned, in which and for the reasons therein set forth it was suggested that sections 1 and 2 be amended to read as follows:

"SECTION 1. That for the purpose of constructing storage reservoirs to impound the flood waters of Yakima River to provide for the total diversion at the reservation head gates of 516,000 acre-feet of stored water and natural flow during each irrigation season, for the irrigation of 120,000 acres, more or less, comprising the Wapato project on the Yakima Indian Reservation, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $1,800,000, or so much thereof as may be necessary, to be expended in said works by the Reclamation Service, the moneys as needed for said work to be transferred to the reclamation fund by the Secretary of the Treasury upon requisition of the Secretary of the Interior. Such storage works shall be maintained and operated by the Reclamation Service as a part of the storage system of the Yakima reclamation project.

"SEC. 2. That lands within the project now owned by Indians, in fee or otherwise, to the extent of 32,000 acres, shall be designated by the Secretary of the Interior as necessary for the support and use of the Indians severally allotted hitherto within the project, and thereafter water furnished for such lands shall be free of any and all cost or charge on account of said storage works. Water shall be reserved for present or future use on the lands so designated for which patents in fee shall not have been issued at the rate of 3 acre-feet per acre, measured at the land, whether beneficially used thereon or not, and such rservation shall continue until such time as patents in fee shall issue for said lands respectively. With the exception of water reserved without beneficial use as in this section above provided, beneficial use shall be the basis, the measure, and the limit of the right to use water on the lands within said Wapato project."

In addition to such amendments it is further suggested, in accordance with the principles hereinabove set forth, that for the proviso in section 5 of said bill there be substituted the following:

"*Provided*, That no steps for the enlargement of the storage or distribution works for the benefit of the lands in the Wapato unit, as herein provided for, or for deliveries of water thereto in excess of the deliveries appropriate under the limitation to 147 second-feet, shall be undertaken until at least 80 per cent of the allotted, and a like per cent of the patented, lands of said unit shall have been pledged by the allottees or owners thereof for the repayment of the cost of the works, nor until all other claims for or arising out of water rights shall have been properly waived by the allottees or owners so pledging their lands, and no benefit from the works constructed on the faith of such pledges shall accrue by enlarged deliveries of water or otherwise to any lands within the unit not so pledged with waiver."

Respectfully,

WALTER L. FISHER, *Secretary*.

REPORT ON THE CONDITIONS ON THE YAKIMA INDIAN RESERVATION, WASH.

NORTH YAKIMA, WASH., *October 22, 1912*.

Showing the history of irrigation in the Yakima Valley, the relation of irrigation in the Yakima Valley, the relation of irrigation in the Yakima Indian Reservation to the valley as a whole, the resources and needs of the reservation, the lands that can be irrigated, the most feasible irrigation plan, with estimates of cost and the water supply and source, based on surveys and studies by the field officers of the Reclamation Service and Indian Office.

Compiled jointly by the field representatives of these bureaus of the Interior Department:

Indian Office: Don M. Carr, superintendent and special disbursing agent, Yakima Indian Reservation; Lester M. Holt, superintendent of irrigation, Yakima Indian Reservation.

Reclamation Service: Charles H. Swigart, supervising engineer, United States Reclamation Service.

HISTORICAL.

IRRIGATION DEVELOPMENT IN THE YAKIMA VALLEY.

The Yakima Valley is situated in the southeastern portion of the State of Washington, and derives its water supply from the Yakima River, a tributary of the Columbia, having its source in the Cascade Mountains. Irrigation in the Yakima Valley has been practiced for many years, and matters pertaining to irrigation have reached a higher stage of development than in most irrigated districts. The rapid flow of the streams, the ease with which large areas of land have been irrigated by comparatively short canals, and the great value of the lands when irrigated, have all served to bring this about. Even before the first railroad had been built into the country irrigation in the Yakima Valley had reached a comparatively advanced stage of development. The early settlers were interested principally in stock raising. The range at that time being of the finest quality and apparently unlimited, only sufficient land was irrigated to furnish winter feed for the cattle and supplies for home consumption. Small irrigation ditches along the smaller streams which afforded the fewest obstacles to construction were the first to be developed.

The first irrigation ditch in the Yakima Valley of which we have record is the Nelson ditch, taken out of the left bank of the Naches River. This was built in 1867 and is still in existence. In 1872 a ditch was taken out of a tributary of the Ahtanum Creek by Charles and Joseph Schanno. It was built to irrigate 320 acres of land, near the locality now occupied by Yakima City. The water was used by the people for raising vegetables, and although only a small ditch it proved what could be done when water was applied to the land.

Two years later, in 1874, the ditch, still known as the Schanno, was built, which gave the town of Yakima City an abundant water supply. Along this ditch in 1881 the first alfalfa was successfully grown. It was 1884, however, before the usefulness of this great forage plant was fully understood. During that year it was raised freely and it marked a new era in the stock-raising industry, as it prevented the great winter losses of cattle which the cattlemen had so often experienced in the past.

In 1872 the first hops were grown in the Yakima Valley by Charles Carpenter, on Ahtanum Creek. He had seen them growing in Germany and concluded that favorable conditions existed here.

As early as 1874 farmers along the rivers commenced to realize that their bottom lands produced much better crops when irrigated and began to construct small irrigation ditches.

In 1875 people began to settle upon the bench lands in greater numbers and soon after some of the higher line canals—namely, the Kennewick, Naches-Cowiche, and Moxee—were built.

As no railroad was constructed through this region until 1886 and the nearest point of shipment was at The Dalles, on the Columbia River in Oregon, 100 miles distant over mountainous roads, only such crops were raised by the farmer as were necessary to supply himself and his family with food. Hay was raised for the cattle as an insurance against loss by starvation during the winter months.

The building of the Northern Pacific Railroad in 1886 marks the beginning of a tide of immigration toward the Northwest which has been flowing steadily ever since. It was then that the settlers began to raise crops to ship away, alfalfa, fruit, and hops being the principal products. These have been raised in increasing quantities ever since and have proved to be a great source of wealth to the people of the Yakima Valley. More irrigation ditches have been built from time to time as necessity and the increased value of land have warranted. The size of the farm unit has steadily decreased to make room for more settlers. This has been made possible by the rapidly increasing demand for diverse farm products in the western portion of the State, where the percentage of the population engaged in farming is small and the agricultural conditions are not so favorable.

The acreage now under irrigation in the Yakima Valley, exclusive of that on the Yakima Indian Reservation and exclusive of Government canals, is approximately 137,500 acres, which acreage is divided about as follows: Private systems above Umtanum, 41,500; between Umtanum and Union Gap, including Naches and Tieton Rivers, Wenas and Ahtanum Creeks, 70,000; Union Gap to mouth of the Yakima River, 26,000. In addition to which the Government is supplying water to approximately 115,000 acres, divided between the Tieton Unit of 35,000 and the Sunnyside Unit of 80,000 acres.

SETTLEMENT OF CONFLICTING CLAIMS TO WATER RIGHTS.

In the early days of small ditches it was customary for filings to be made on very large quantities of water, which resulted in a number of disputes, often terminating in litigation among the various appropriators. In the year 1903, when the first investigations were begun in the valley by the Reclamation Service, the water-right conditions had approached the chaotic, as the low-water flow of all the streams had been much overappropriated and no storage had been provided to tide over the dry seasons. The first reconnoissance made by the service indicated extensive irrigation possibilities, and the year 1904 was devoted to the measuring of streams and a general examination

of lands in the valley. Approximately 100,000 acres of land were being irrigated at that time in the Yakima Valley. It was essential prior to taking up active construction work that the unsatisfactory water-right situation be cleared up, and the Secretary of the Interior set down certain conditions which had to be fulfilled before approval would be given for such construction. The conditions laid down by the Secretary were:

"First. The adjustment of all conflicting claims of those who are appropriating water from the Yakima River or any other body of water for irrigation, power, or any other purpose.

"Second. The determination of all suits now pending to prevent the diversion of water from the Yakima River to the Yakima Indian Reservation, and any and all other litigation that in any way tends to embarrass or restrict the appropriation of the waters from said river or any other body of water needed for the irrigation of the lands under said proposed project.

"Third. The determination of the questions presented by the proposed contract to purchase the Sunnyside Canal for $250,000, now pending before the Assistant Attorney General for this department, and the submission to the department, if required or necessary, of such a contract from the owners of said canal as will meet the approval of the department.

"Fourth. The satisfactory disposition of the protest of the State of Washington against the entrance of the Government into contractual relations with the Washington Irrigation Co. until the State is heard in the matter.

"Fifth. The securing to the Indians on the Yakima Reservation of a sufficient water supply by passage of appropriate legislation by Congress, or otherwise.

"Sixth. The settlement, termination, and disposition of any and all difficulties, conflicts, litigation, complicatons, or controversies that will in any way tend to embarrass or restrict the appropriation and use of the waters of the Yakima River or any other stream or body of water necessary for the irrigation of the lands under this project and the lands in the Yakima Indian Reservation.

"Seventh. That a sufficient acreage be pledged to secure the return to the reclamation fund of the cost of construction.

"Eighth. That the above and foregoing matters be settled and a clean, feasible proposition submitted to the department free from all difficulties or complications before the expenditure of any money on the construction of said projects be made."

The conditions particularly affecting the Yakima Indian Reservation were the first, second, fifth, and sixth. The year 1905 was spent in collecting data and negotiating with the various interested parties for the purpose of complying with the eight conditions laid down by the Secretary.

In compliance with the first condition, 94½ per cent of all waters claimed by irrigation canals depending upon the natural flow of the river was included in agreements fixing their diversions in a definite quantity. These quantities were based on the actual diversions made during August, 1905. In the final report on which the approval by the Secretary of the Interior of the construction was based, the Sunnyside Canal was apportioned 650 second-feet and the reservation canals 147 second-feet. The canals which failed to sign agreements were relatively unimportant.

The Indian canal had an appropriation made on February 19, 1903, by the Indian Office, of 1,000 cubic feet per second. The appropriation secured to the Reclamation Service by purchase from the Washington Irrigation Co. for the Sunnyside Canal was 1,050 cubic feet per second. Fifty cubic feet per second was appropriated as early as 1880, while the additional 1,000 was appropriated in 1890. The quantities fixed by the Government for the Sunnyside and reservation canals were much less than was claimed for them, and the acceptance by the Government of the smaller quantities was a condition which operated most effectively toward obtaining the consent of all the private holders of water rights to limit their claims proportionately.

In regard to the second condition the following is quoted from the report of Mr. D. C. Henny, supervising engineer, to the chief engineer of the Reclamation Service, dated March 13, 1906:

"In August, 1905, the Prosser Falls Land & Power Co. and the Washington Irrigation Co. brought suits against officials of the Yakima Indian Reservation and canals higher up on the river for alleged illegal diversion of water from the river. At the request of the Reclamation Service action under these suits was suspended.

"The Prosser Falls Land & Power Co. bound itself to dismiss its suits at any time as part of the terms of the agreement in which it limits its claims to water.

"The Washington Irrigation Co. has entered into an agreement, dated March 13, 1906, * * * by which it binds itself to dismiss all litigation to which it is a party plaintiff tending to affect in any way the appropriations and use of the water in the Yakima River and dependent streams, immediately upon the announcement by the Secretary of the determination of the United States to construct storage and irrigation works in Yakima Valley under the reclamation act."

In regard to condition No. 5 the above report says:

"Official advices have reached me through the chief engineer that H. R. 10067, authorizing the disposition of surplus and allotted lands on the Yakima Indian Reservation, etc., has been passed and become law on March 7, 1906. The terms of this bill are such that a reclamation project covering the irrigable lands in the Yakima Indian Reservation becomes feasible, provided the Indians consent, and that thereby all controversy regarding water rights of the Yakima Indian Reservation will be avoided. I therefore recommend that the enactment of such law be considered a full compliance with condition No. 5."

In regard to condition No. 6 the report says:

"The agreements to dismiss litigation in which Yakima Indian officials were made defendants as discussed under condition No. 2 and the passage and enactment of H. R. 10067 above referred to in the discussion of condition No. 5, appear to meet the requirements under condition No. 6, and I therefore recommend that the present status be considered a full compliance with condition No. 6."

The remaining conditions laid down by the Secretary have no direct bearing on the water supply and irrigation of the Yakima Indian Reservation and will therefore not be discussed.

Pursuant to the report above quoted which was submitted to the Secretary of the Interior for approval and for authorization of construction work upon the Yakima project, the following letter was written:

MARCH 28, 1906.

The DIRECTOR OF THE GEOLOGICAL SURVEY.

SIR: In a letter of the 21st instant to the department you referred to departmental letter of December 12, 1905, to you, approving the Tieton and Sunnyside projects in the State of Washington, under the act of June 17, 1902 (32 Stat., 388), and setting aside thereunder the sums of $1,000,000 and $750,000, respectively, subject to certain conditions specified in the letter.

In your letter you have inclosed a report from Mr. D. C. Henny, supervising engineer, dated March 15, 1906, with exhibits, from which it appears that the conditions above mentioned have all been met, and you have expressed the opinion that the projects present clean, feasible propositions upon which the Government is fully warranted in expending money for the necessary works. You have therefore recommended that the two projects be definitely approved, that the contract with the Washington Irrigation Co. be also approved, and that you be authorized to proceed in the usual way for the construction of the necessary works for the first section of the two projects.

Your letter was referred to the Assistant Attorney General for an opinion as to whether or not the report and accompanying papers show such a compliance with the conditions by departmental letter of December 12, 1905, supra, as to justify departmental action in accordance with your recommendation.

In an opinion of the 27th instant by the Assistant Attorney General, which has been approved, he has stated that these conditions have been so complied with as to justify the action you have recommended.

In view of the foregoing, I have accordingly approved the contract and return it herewith. I also hereby definitely approve the Tieton and Sunnyside projects and authorize you to proceed in the usual way for the construction of the necessary works of the first sections thereof.

For your full information I inclose a copy of the opinion of the Assistant Attorney General.

Very respectfully,

THOS. RYAN,
Acting Secretary.

THE YAKIMA INDIAN RESERVATION.

The Indians have been irrigating in a more or less crude manner on this reservation since 1859. At first oxen were used for breaking the land, and in 1862 more than 200 acres were under irrigation. This had been increased to 500 acres in 1863 and to 1,000 or 1,200 in 1865. No work, however, was done by the United States Indian Service until May 20, 1896. The following is taken from the report of Mr. William Redman dated June 30, 1897, addressed to the Indian agent at Fort Simcoe, reporting on the irrigation canals then in existence, giving carrying capacity and length:

"Main canal, capacity, 210 cubic feet of water per second; length, 12.45 miles, from which the following laterals have been constructed: Lateral No. 1, 4,300 feet long; lateral No. 2, 8,500 feet long; lateral No. 3, 15,000 feet long; lateral No. 4, 28,100 feet long; and sublateral No. 5, 6,500 feet long; in all from main canal, 62,300 feet, which equals 11.8 miles.

"Toppenish Canal, capacity, 104 cubic feet of water per second; length, 3.2 miles, from which the following lateral ditches have been constructed: Lateral No. 1, 5,300 feet long; lateral No. 2, 500 feet long—to be extended by proprietors of allotted lands—lateral No. 3, 400 feet long; and lateral No. 4, 3,600 feet long; in all from this canal, 9,800 feet or 1.86 miles.

"Or to sum up the work done, there are of the foregoing 15.47 miles of the main canal with a carrying capacity of 315 cubic feet of water per second, with 13.66 miles of lateral ditches leading therefrom for the distribution of water. The above does not include provisions made near the head of the Main Canal (about 3,000 feet below the intake of the Yakima River) for turning about 200 cubic feet of water per second into the natural slough which runs in a southeasterly direction (nearly parallel with the Northern Pacific Railway) a distance of about 12 miles, emptying into Toppenish Creek, and which slough will serve as a canal from which many lateral ditches can be constructed for the distribution of its water. By constructing more lateral ditches nearly 50,000 acres of the best soil can be irrigated."

PRESENT IRRIGATION SYSTEM.

On February 19, 1903, the superintendent of the Yakima Indian Reservation filed on 1,000 cubic feet of water per second of time and the same year construction work was begun on the New Reservation Canal, and Lateral "A." Since that time that canal has been completed to Station 600 and Laterals "A," "B," and "C" have been completed. The new reservation canal was designed for an intake capacity of 1,000 cubic feet per second.

The irrigation system as constructed, with a few extensions and increasing its capacity, can serve 80,000 acres of land, providing water is available. The actual area irrigated in 1912 under the system constructed by the Indian service was 32,000 acres, 18,000 under the new reservation canal and 14,000 acres under the old canal, and 15,000 acres are irrigated from private ditches, sloughs, the Toppenish ditch—constructed by the Government—and the subirrigated land, making a total of 47,000 acres of land now irrigated and subirrigated within the area known as the Wapato project.

It has been estimated that 18,000 additional acres can be irrigated by giving the present system a thorough cleaning and with a few small inexpensive extensions the combined flow of the canals at their head gates will be somewhere between 900 and 1,000 second-feet.

The system as now constructed is somewhat wasteful, not only in power wasted at the numerous small drops but by seepage in the canals and in the irrigation of land, due to a large extent to insufficient preparation.

There are 65 miles of main canals and main laterals and about 200 miles of sublaterals now being operated. The cost of the irrigation system constructed by the Indian service to June 30, 1912, was $272,253.57, an acreage cost of $8.50 for the land actually irrigated this season. In addition to the above $28,293.05 have been expended in maintaining and operating the irrigation ditches.

In the spring of 1907 an appraisal was made of the irrigation works at that time constructed with special reference to their value for incorporation into the proposed complete system by representatives of the Reclamation and Indian Services. As a result of this it was agreed that the works should be valued at $121,000 for such purpose. This was approved by the heads of the bureaus concerned and submitted to the Secretary of the Interior, by whom it was approved, May 10, 1907. Various sums have been expended since that date, the exact amount of which can not be determined by the field accounts at present obtainable. It is therefore estimated that the present value of the irrigation system on the Yakima Indian Reservation for incorporation into the proposed complete system would be as follows: One hundred and twenty-one thousand dollars plus the cost of the drainage system, $250,000, to which should be added 75 per cent of the amount left after taking all expenditures for the construction of irrigation works on the Yakima Indian Reservation since April, 1907, and subtracting therefrom all maintenance and operation expenditures, also all expenditures on account of the Ahtanum Irrigation System, which is entirely separate from the one under consideration.

The topographical conditions of this project are such that an irrigation system can be constructed at a very reasonable cost per acre.

It would be impossible to construct the entire project with small annual appropriations, as has been proposed, as main ditches are needed, and unless a considerable amount of money should be available little could be accomplished except at excessive costs. Delay causes much loss each year in ditches, structures, etc., that possibly can not be used in the larger system, and lands are being alkalied owing to lack of proper drains in the irrigated districts. It is essential that some comprehensive policy for the development of this project be decided upon at an early date, as conditions during the last few years have been such as to cause a feeling of distrust among both the allottees and white landowners, and further delay will make matters worse.

DRAINAGE WORK ALREADY DONE.

The act of April 4, 1910, appropriated $250,000 for the construction of a drainage system to relieve the swampy condition of 30,000 acres of land on the lower part of the reservation and to prevent the swamping of an additional area.

The following description is taken from the report of J. W. Martin and addressed to Mr. W. H. Code, former chief engineer in the Indian Service:

"The reservation is very generally underlaid by a deep stratum of free water-bearing gravel which is covered generally by from 1 to 10 or 12 feet, more or less, of generally speaking volcanic ash soil. At Toppenish Creek and extending a distance of about a mile more or less north, the soil is appreciably deep. As the general slope of the reservation is to the southeast, the water from the irrigated lands to the north naturally tending to drain off in he underlying gravels to the south and east has been impeded in its course by the deeper soil which exists to the north of Toppenish Creek and consequently soaked up, bogged, created swamps, and temporarily destroyed by an alkali condition the southern part of the reservation.

"The Wapato project contemplated taking care of this condition by drainage canals parallel to and on the north side of the proposed east and west laterals, also an independent canal parallel to and just north of Toppenish Creek, with north and south laterals 1 mile apart, but on account of the difficulty of getting people to sign up for this project, also lack of funds, the project has not thus far been started. In the meantime the alkali and swamping conditions were gradually and surely extending to the north to such an alarming extent as to induce Congress to appropriate the aforesaid $250,000 reimbursable fund for immediate relief by the Indian department. As all proposed drainage lines to date had no other than paper projected locations, it was necessary to make actual preliminary surveys and borings which were submitted for your consideration on your arrival about the middle of June, 1910."

On June 27, 1910, W. H. Code, chief engineer Indian Service; D. C. Henny, consulting engineer, United States Reclamation Service; Charles H. Swigart, supervising engineer, United States Reclamation Service; James W. Martin, superintendent of irrigation, Indian Service; and C. G. Elliott, United States Department of Agriculture, acting as a board of engineers, submitted a report to the Secretary of the Interior on the necessary drainage system. This report was approved and construction ordered along the lines laid down by the board of engineers.

Machinery was purchased and the work of constructing the main drains was begun in the fall of 1910. On July 1, 1912, 42 miles of drainage ditches had been completed at a total expense of $229,497.71, or a unit cost, including structures, of 12 cents for each cubic yard excavated.

The total discharge from the drainage ditches from February 1, 1911, to September 30, 1912, was 196,584 acre-feet, the maximum mean monthly discharge during that period being 240 cubic feet per second. On October 7, 1912, the drains were discharging 220 cubic feet per second.

The following is cited as tending to show the efficiency of the system as constructed:

A well located at the center of section 20, township 10 north, range 20 east, had a depth of 12 feet with water 8 feet deep. This well went completely dry within 24 hours after the construction of a drain one-half mile northeast.

Lands formerly tule beds and permanently covered with water are now sufficiently dry for plowing and farming, and other lands formerly alkalied and subirrigated now require irrigation. The drainage system has accomplished even more than was expected in so short a period of time.

Following is a classification of the lands reclaimed by drainage:

	Acres.
Lands permanently flooded before the construction of the drains	5,000
Lands too wet for cultivation and flooded part of the time	10,000
Lands alkalied and subirrigated	15,000

Plate No. M75–Q shows the areas reclaimed.

WATER FOR THE RESERVATION LANDS.

The question of a sufficient water supply for the reservation lands is one of great importance to both the allottee and the white landowner. Since the apportionment by the department on March 26, 1905, of 147 second-feet as the portion of the low-water flow of the Yakima River to which the Yakima Indian Reservation was entitled, the development of the new land has been slow, as the water users were not sure of any water after July 15 or August 1 of each year, and many acres of raw land within reach of water from the irrigation ditches as now constructed would have been cultivated long ago except for this shortage of water.

RESOURCES OF THE YAKIMA INDIAN RESERVATION.

The resources of the reservation are amply sufficient to warrant the construction of irrigation works on as extensive a plan as is needed to secure maximum efficiency. The question as to the ability of the beneficiaries to successfully meet their financial obligations covering the item of cost is one that will be carefully weighed by the Congress in passing upon the feasibility of the project and the extent to which it should be carried. In considering the question of resources, as related to the lands within the limits of the proposed project, it should be kept in mind that the expense of construction will have to be borne entirely by those allottees and white owners whose lands are within the limits of the project. This would be logically so with respect to white owners, but not necessarily so in the case of allottees. It is true, however, that a considerable portion of the allotments of the allottees which are within the limits of the project comprise their entire acreage. Such being the case, those allottees who would have to pay their proportionate share of the cost of construction, maintenance, and operation, whatever it might be, would have two sources of revenue—from individual and tribal lands. Any funds they might acquire in their individual capacity would necessarily come from the sale of their original allotments, or a portion thereof, of inherited allotments in which they have an interest, or from the leasing of lands in which they may be interested. The proportionate share of tribal moneys would be their other source of revenue.

TRIBAL RESOURCES.

The census of the Yakima Indians as of July 1, 1912, shows a population of 3,046. Up to and including 1910 the allotments made on the reservation numbered 3,169. Allotting work has been in progress for two years, during which time approximately 700 selections have been made. It is very probable that before the close of allotting operations something in the neighborhood of 4,200 allotments will have been taken within the limits of the reservation; these allotments, of course, affect only the tribal resources and do not involve to any extent the individual financial standing of an allottee.

That there might be available some reliable data as to the extent and value of the tribal resources on this reservation, an appraising commission was appointed to make a survey of the entire field. This work was carried on for nearly two years and completed in the fall of 1910. The value of the tribal land, according to the schedules prepared by the appraising commission, was fixed at $1,023,453. The acreage involved was fixed at 762,313.

The value of the timber on tribal land, as fixed by said commission, was $3,398,450. There have been no material changes with respect to conditions upon which these figures were based as they existed then and as they exist now. There have been no destructive fires or any considerable damage from any cause. The per capita valuation of the tribal resources can be conservatively placed at $1,500. Changes have been made in the way of opening roads, trails, and fire lines which have afforded protection to the timber, and a study of routes and methods of transportation makes the statement that it can be marketed without great expense a reasonably safe one.

PRODUCTS.

It is difficult to arrive at accurate figures as to the agricultural and horticultural possibilities of the reservation because, up to this time, no figures in the nature of a crop census are obtainable. There is available, however, certain general information which will have a bearing on that subject.

The total acreage under cultivation within the limits of the project during the season of 1912 is fixed at 32,000. It is readily admitted that alfalfa is the principal growing crop. It is conservative to say that about 24,000 acres are in alfalfa. This means approximately 300 tracts of 80 acres each. The average yield per tract will be about 300 tons of merchantable hay. A year or two ago the surplus was undisposed of, but this year all the hay obtainable within the limits of the reservation will either have been sold or used for feeding on the ground.

There is a considerable acreage in small grains, the returns from which are encouraging and very profitable. Potatoes and onions are good crops, and the yields of each are bountiful. Hops are successfully grown.

The area so far planted to orchard is not large, yet the results being obtained are indicative of the value of the land as fruit land. The best land is producing abundantly; in fact, there are very few sections of the reservation where it is at all probable that fruit would not do well. There are accessible markets for all products, with ready means of transportation. The roads and highways are being made as rapidly as possible, and extensions of transportation facilities will have a direct bearing upon the value of the lands. The present irrigation system has accomplished wonders with the country, considering the expense incurred in connection therewith. It is well known that it could be enlarged and improved, but in so doing, it should always be borne in mind that the beneficiaries, to a large extent, are Indians whose capacity as farmers and ranchers, in a great majority of cases, is yet to be ascertained; whose ability to actively compete with their neighbors is less than maximum; whose financial ability to meet a construction charge for water is limited to their resources. To proceed with the construction of this project on the same theory that would obtain were the land being constructed for white people will result in disappointment.

If there is to be a charge to be borne by the Indians, that charge must be met out of their property. To assume that they could as farmers be successful enough to pay their indebtedness from their crops will result in a disappointment to all concerned. Their intentions are good, but their surroundings and mode of life are such as to make such an aim unattainable.

LAND VALUES.

As showing the difference in the value of lands within the project and those outside of the limits thereof, the records of the agency contain some interesting data. The following gives the number of sales, the acreage involved, and the purchase price:

1. For all sales on the reservation from July 1, 1909, to Sept. 30, 1912:	
Sales	166
Acreage	11,497.22
Total purchase price	$484,204.13
2. For all sales within the project from July 1, 1909, to Sept. 30, 1912:	
Sales	110
Acreage	6,771.75
Total purchase price	$398,695.50

The difference represents all sales outside the project during the period. The average selling price of the lands within the project is $58.87; that for the lands outside of the project is $18.05.

The total sales within the project number 231, with an acreage of 16,150.36, the consideration being $792,385.23, the total average price being $49.05 per acre.

The per acre value has been steadily increasing on lands both inside and outside of the project, but naturally the lands susceptible of irrigation will increase in value more rapidly than those where the question of a water supply is uncertain.

There is a considerable difference between the appraised price of land outside and that inside, the difference depending entirely upon the conditions of soil, topography of country, and other natural conditions which enter into consideration in arriving at the probable value of each particular tract.

As a general proposition, the best improved lands offered for sale are valued at about $100 per acre. This valuation is for the land only, and it is very seldom that the improvements are considered. The sales which have been made have been based on the value of the land with the prospect of a shortage of water during the low-water

season confronting the purchaser, and, further, with no water right. If the good lands have brought this figure under such conditions of uncertainty, it must be readily apparent that with a sufficient water right, permanently settled, value of the land within the project can be secured from the statement as to the rental received for improved lands under lease. The average rental for improved alfalfa lands is about $5 per acre per year.

The PRESIDENT pro tempore. The question is upon the amendment as amended.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, at the top of page 62, to insert:

That the Secretary of the Interior be, and is hereby, authorized and directed to make an allotment, in accordance with the provisions of the act of July 4, 1884 (23 Stat. L., 79), of not more than 200 acres of land within the diminished Colville Indian Reservation, in the State of Washington, for the benefit of the heirs of Quelock-us-soma, deceased, Moses agreement allottee No. 35, jointly, in lieu of the portion of the Moses agreement allotment No. 35 embraced within the patented homestead entries of Deborah A. Griffin and Mary J. Griffin, and trust patent issue thereon under the provisions of the act of March 8, 1906. (34 Stat. L., 55.)

Mr. CURTIS. I want to make a point of order against that amendment and the one following. They are to be considered together. I make the point of order that it is general legislation.

Mr. JONES. I hope the Senator will reserve the point of order for a moment.

Mr. GAMBLE. Mr. President, both paragraphs make one amendment.

The PRESIDENT pro tempore. The second paragraph should be read, then.

The Secretary read as follows:

That the patent in fee heretofore issued in the name of Deborah A. Griffin, June 30, 1906, for lots 1 and 2 and the northeast quarter southeast quarter section 6, and lots 1 and 2, section 5, township 36 north, range 27 east of the Willamette meridian; and a similar patent issued in the name of Mary J. Griffin, November 21, 1910, for the southeast quarter of the southwest quarter, and lots 5, 6, and 9 of section 31, township 37 north, range 27 east, of the Willamette meridian, all situated in Okanogan County, Wash., be, and the same are hereby, confirmed and declared valid, notwithstanding the previous allotment of a portion of this land under Moses agreement allotment No. 35.

Mr. CURTIS. I make the point of order that this is general legislation on an appropriation bill.

Mr. JONES. I hope the Senator will reserve that for a moment.

The PRESIDENT pro tempore. Does the Senator from Kansas withhold his point of order?

Mr. CURTIS. I do.

Mr. JONES. I desire to say that this provision has passed the Senate once. It went to the Committee on Public Lands and was reported. Now it is recommended by the department, except that the department recommends that $500 should be paid to these Indians in addition to permitting them to have an allotment upon the south half of the Colville Indian Reservation.

That was considered by the committee and the committee did not think, under the circumstances of the case, that it was fair to these people, who acted in perfect good faith and who had no idea whatever of the claim of these Indians to this land until after the patent was issued to them, that they should pay $500. If any amount of money should be paid it should be paid by the Government, whose agents were at fault in the matter.

These Indians are permitted to take an allotment on the south half of the reservation. They have never been on this land. They have never cultivated it. They have never laid any claim to it and I understand would really be better satisfied with land on the Colville Reservation.

I wish to say to the Senator from Kansas that these people have under cultivation now about 100 acres of this land. They have it planted to orchard and they have gone to great expense. They did it in perfect good faith. I hope the Senator will withdraw his point of order. I will say the House committee has recommended a similar bill with a provision in it for $500. I hope the Senator will withdraw the point of order.

The PRESIDENT pro tempore. The Senator from Kansas makes the point of order against the amendment that it is general legislation.

Mr. JONES. I should like to have the attention of the Senator from Kansas for a moment.

Mr. CURTIS. Mr. President, the amendment does not comply with the recommendation of the department, and it is unsafe to put legislation upon this appropriation bill that does not meet with the approval, at least, of the department. I insist upon the point of order.

The PRESIDENT pro tempore. The Chair will sustain the point of order.

The next amendment was, on page 63, after line 4, to insert:

For the support, education, and civilization of the Kalispel Indians in the county of Pend Oreille, in the State of Washington, and to erect a school building, employees' quarters, and other necessary buildings and providing the same with equipment, in the purchase of stock, implements, seeds, and other articles necessary to promote the general welfare of said Indians, including the employment of teachers and instructors, under the jurisdiction of the Spokane Indian School, Spokane, Wash., with the approval and direction of the Secretary of the Interior, $10,000.

The amendment was agreed to.

The next amendment was, under the head of "Wisconsin," on page 63, line 17, before the word "Indian," to strike out "two hundred and ten" and insert "two hundred and fifty"; in line 18, after the word "superintendent," to strike out "$36,670" and insert "$43,470"; in line 19, after the word "improvements," to strike out "$2,500" and insert "$4,180"; and in line 20, after the words "in all," to strike out "$39,170" and insert "$47,650," so as to make the clause read:

For the support and education of 250 Indian pupils at the Indian school at Hayward, Wis., and pay of superintendent, $43,470; for general repairs and improvements, $4,180; in all, $47,650.

The amendment was agreed to.

The next amendment was, on page 63, line 25, before the words "in all," to insert "for new central heating plant, $20,000," and in the same line, after the words "in all," to strike out "$53,450" and insert "$73,450," so as to make the clause read:

For support and education of 250 Indian pupils at the Indian school, Tomah, Wis., and for pay of superintendent, $43,450; for general repairs and improvements, $10,000; for new central heating plant, $20,000; in all, $73,450.

Mr. LA FOLLETTE. After the numerals "$20,000," in line 25, and before the semicolon, I move to amend the amendment by adding "or so much thereof as may be necessary."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 64, after line 5, to insert:

That the Secretary of the Interior be, and he hereby is, authorized to sell the merchantable timber on all unallotted lands within the Bad River Reservation, Wis., under such rules and regulations as he may prescribe, the net proceeds derived therefrom to be distributed per capita among the unallotted members of the band and deposited to their individual credit as individual Indian moneys are now deposited, and subject to expenditure for their benefit under the supervision of the Secretary of the Interior: *Provided, however*, That said lands shall be allotted to unallotted members of the band under existing laws; said allotments to be made subject to the sale of the timber and distribution of the proceeds as herein provided: *Provided further*, That patents for said allotments shall not issue until the merchantable timber has been cut and removed from the lands allotted, whereupon the title to such timber as remains on the lands allotted shall then pass to the respective allottees with the issuance of patents for their allotments.

That for the purpose of carrying out the stipulations of the treaty of September 26, 1833, with the Pottawatomie and other Indian Tribes, and for the purpose of carrying into effect the act of June 25, 1864 (13 Stat. L., p. 172), the Secretary of the Treasury is hereby authorized and directed to transfer upon the books of the Treasury, to the credit of that portion of the Wisconsin Band of Pottawatomie Indians now residing in the States of Wisconsin and Michigan, the sum of $447,339, the same being the proportionate share of these Indians in annuities and moneys of the Pottawatomie Tribe, in which they have not shared, as set forth in House Document No. 830, Sixtieth Congress, first session, together with interest at 5 per cent on said sum since the date to which the computation contained in said document was made. And the Secretary of the Interior is hereby authorized to withdraw from said sum so credited to the Wisconsin Band of Pottawatomie Indians a sum not exceeding $150,000, and to expend the same in the purchase of land within the States of Wisconsin and Michigan, the title to such land to be taken in trust by the Government for the use and benefit of said Indians, said land to be situated in organized school districts, and to be purchased in bodies of not more than one section, which said bodies shall not adjoin each other. The land so purchased, except that part thereof as may be necessary for administrative purposes, shall be divided equitably among the Indians entitled thereto, and patents thereto shall be issued in accordance with the general allotment laws of the United States; and the said sum of $150,000 herein provided shall be immediately available.

Out of the sum placed to the credit of said Pottawatomie Indians the Secretary of the Treasury is hereby authorized and directed to pay to Mrs. R. V. Belt, widow of R. V. Belt, deceased, the attorney who in his lifetime represented said Indians in the proceeding and accounting set forth in said document, House report No. 830, Sixtieth Congress, first session, $5,000, and to Eric O. Morstad, of Carter, Wis., who assisted said Belt in the services so rendered, and who has lived with and cared for said Indians for many years, the sum of $5,000, in lieu of the amount provided to be paid under the contract approved by the Commissioner of Indian Affairs, the 1st day of November, 1902; said payment shall be in full payment for all services rendered by the said R. V. Belt, his associates and assigns. All moneys remaining in the Treasury to the credit of the said Pottawatomie Indians shall bear interest at the rate of 5 per cent per annum, and said interest shall be distributed per capita, under the direction of the Secretary of the Interior, to the members of the said band now residing in the States of Wisconsin and Michigan.

The lands so purchased, except such part thereof as may be necessary for administrative purposes, shall be divided equitably among the Indians entitled and patents therefor issued in accordance with the general allotment laws of the United States: *Provided*, That the Secretary of the Interior may, in his discretion, withhold allotments or pro rata distribution hereunder from any Indian or Indians belonging to this band who, owing to advanced age or other infirmities, are deemed by him incapable of making beneficial use thereof. In lieu of formal

allotments to Indians falling within this class, tentative allotments of land may be made to such Indians for occupancy and use during the remainder of their natural lifetime.

The amendment was agreed to.

The next amendment was, on page 67, after line 13, to insert:

For construction of roads and bridges on the Red Cliff Reservation in Wisconsin, $8,600.

The amendment was agreed to.

The next amendment was, under the head of "Wyoming," on page 67, line 18, after the word "employees," to strike out "$12,000" and insert "$15,000," so as to read:

For support and civilization of Shoshone Indians in Wyoming, including pay of employees, $15,000.

The amendment was agreed to.

The next amendment was, on page 68, after line 19, to insert:

The unexpended balance of the reimbursable appropriation of $10,000 for road and bridge construction on the Shoshone Reservation, Wyoming, made in the Indian appropriation act approved August 24, 1912, is hereby reappropriated and made available until expended.

The amendment was agreed to.

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

The Commissioner of Indian Affairs is hereby authorized to expend any sums collected as rentals from the old abandoned military post of Fort Washakie, on the Wind River Reservation, in Wyoming, in such repairs as may be necessary on said buildings and grounds, and that the sum of $1,427, heretofore collected as such by the superintendent in charge of the Wind River Reservation and deposited to the credit of the United States, is hereby appropriated and made available for said repairs.

The amendment was agreed to.

The PRESIDENT pro tempore. That concludes the reading of the bill.

Mr. GRONNA. Mr. President——

Mr. GAMBLE. There are one or two amendments or corrections that I desire to make, and then I will yield to the Senator from North Dakota. On page 12, after line 25, I move to insert as a separate item:

For continuing the investigation by the Secretary of War for the purpose of determining the reasonability and practicability of constructing a dam and reservoir at or in the vicinity of the Box Canyon on the San Carlos Indian Reservation, and for other purposes, as authorized by the act of August 24, 1912 (37 Stat. L., 518–522), $10,000, to be immediately available and to remain available until expended.

The amendment was agreed to.

Mr. GAMBLE. I submit a communication from the Secretary of the Interior relative to the amendment, which I ask may be printed in the RECORD.

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

INVESTIGATION OF THE FEASIBILITY OF THE SAN CARLOS PROJECT.

DEPARTMENT OF THE INTERIOR,
Washington, February 20, 1913.

Hon. ROBERT J. GAMBLE,
Chairman Committee on Indian Affairs,
United States Senate.

SIR: I am advised by the Acting Commissioner of Indian Affairs that you have requested a letter in justification of the following proposed item of legislation, to be incorporated in the Indian appropriation bill:

"For continuing the investigation by the Secretary of War for the purpose of determining the reasonability and practicability of constructing a dam and reservoir at or in the vicinity of the box canyon on the San Carlos Indian Reservation, and for other purposes, as authorized by the act of August 24, 1912 (37 Stat. L., 518–522), $10,000, to be immediately available and to remain available until expended."

This department is in receipt of a letter dated February 20, 1913, from Lieut. Col. W. C. Langfitt, Corps of Engineers, United States Army, in which he invites attention to the fact that the appropriation of $15,000 contained in the Indian appropriation act of August 24, 1912 (37 Stat. L., 518–522), is inadequate to provide for the required investigation. Col. Langfitt in his letter of February 20, 1913, says:

"Attention is invited to the fact that all the estimates of those concerned in the matter for this investigation, before the bill was passed, exceeded very largely the sum appropriated, and none were less than $25,000.

"In view of the doubts thrown around this project as to its feasibility, a careful and detailed investigation of the doubtful points is necessary. Furthermore, there have never been any surveys which could be utilized looking to the distribution system of the project, and this alone is an expensive item."

In order that the investigation heretofore authorized may be completed and the feasibility of the San Carlos project be determined, I have the honor to urgently request that the proposed item of legislation herein referred to be included in the appropriation bill and receive favorable consideration by the Congress.

Respectfully,

WALTER L. FISHER,
Secretary.

Mr. GAMBLE. On page 32, line 14, I move to strike out the figures "$51,900" and insert the word "and," and in line 15 to strike out the figures "$3,000" and insert in lieu thereof "$70,000; new buildings, $25,000," and to strike out the figures "$54,900" and insert in lieu thereof "$95,000," so as to read:

SEC. 13. For support and education of 300 Indian pupils at the Indian school at Albuquerque, N. Mex., and for pay of superintendent, and for general repairs and improvements, $70,000; new buildings, $25,000; in all, $95,000.

The PRESIDENT pro tempore. Would not the Senator strike out the word "and" after "New Mexico" in the same line?

Mr. GAMBLE. I suggest the amendment to conform with the language of the estimates.

Mr. OWEN. I should like to have an explanation of that change.

Mr. GAMBLE. There is a report from the Secretary of the Interior. It is an amendment proposed by the Senator from New Mexico. It is offered to conform to the wording of the Book of Estimates.

Mr. OWEN. Was the amendment passed on by the committee?

Mr. GAMBLE. It was not passed upon because one of the Senators was away. After conferring with the Senators from New Mexico, as I had the recommendation of the Secretary of the Interior, which I will ask to have printed in the RECORD, I agreed to offer the amendment. As I said, it is to conform to the language in the Book of Estimates.

The amendment was agreed to.

Mr. GAMBLE. On line 16, on the same page, I move to strike out "three" before the word "hundred" and insert "four"; in line 18, to strike out "$51,900" and insert in lieu thereof "$78,500"; and in line 20, to strike out "$57,500" and insert in lieu thereof "$92,100," so as to read:

For support and education of 400 Indian pupils at the Indian school at Santa Fe, N. Mex., and for pay of superintendent, $78,500; for general repairs and improvements, $4,000; for water supply, $1,600; for girls' dormitory, $18,000; in all, $92,100.

The amendment was agreed to.

Mr. GAMBLE. I ask unanimous consent that the clerks may be authorized to correct any errors in the totals.

The PRESIDENT pro tempore. That will be attended to.

Mr. GAMBLE. I send the communication of the Secretary of the Interior to the desk and ask that it be printed in the RECORD.

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

DEPARTMENT OF THE INTERIOR,
Washington, January 25, 1913.

Hon. ROBERT J. GAMBLE,
Chairman Committee on Indian Affairs, United States Senate.

SIR: I have your letter of January 15, 1913, transmitting for report a copy of an amendment to H. R. 26874, reading as follows:

"For the support and education of 400 Indian pupils at the Indian school at Albuquerque, N. Mex., and for pay of superintendent, $68,600; for general repairs and improvements, $7,000; for construction of shop building, $14,000; for a domestic science building, $7,000; for a gymnasium and assembly hall, combined, $25,000; in all, $121,600.

"For support and education of 400 Indian pupils at the Indian school at Santa Fe, N. Mex., and for pay of superintendent, $68,600; for general repairs and improvements, $8,000; for water supply, $1,600; for shop building, $14,000; for a domestic science building, $7,000; for a gymnasium and assembly hall, combined, $25,000; in all, $124,600."

This amendment provides for the support and education of 400 pupils at the Albuquerque boarding school, instead of 300, for which estimates were submitted by the department for the fiscal year 1914. Since the estimate was submitted for this school it has been brought to the attention of the department that the dormitory now under construction will be completed and ready for occupancy at the commencement of the next school term. This will give the school a capacity of 400 pupils.

It is therefore recommended that the first item of the amendment to H. R. 26874, for the support and education of pupils at the Albuquerque school, receive favorable consideration.

While the department did not originally request an appropriation for a gymnasium and assembly hall building at this school, a building for these purposes would be very desirable.

The carpenter and blacksmith shops at the Albuquerque school are quartered in small, unsightly, adobe buildings. They are inadequate in size, and better facilities should be furnished for the instruction of boys in these trades. The shoe and harness and tailor shops are in a frame building needed to quarter employees. There is no shop space provided for the engineer, who attends to the plumbing. Space for his tools and supplies and for the use of himself and detail in inclement weather is necessary and should be furnished. No paint shop is provided. If the item of $14,000 for the construction of a shop building is allowed for this school, plans will be made for the construction of a building suitable to include all these shops.

The domestic science department of this school is now conducted in three rooms of an adobe building, and admits of a class of four pupils only. The efficiency of this department would be greatly increased by furnishing a suitable building where the class and teacher could be furnished quarters, thus adding to the elements of housekeeping and family laundering. If the item of $7,000 is allowed it will be used for this purpose.

In its estimates for the Santa Fe Boarding School for 1914, the department submitted the following:

"For support and education of 300 Indian pupils at the Indian school at Santa Fe, N. Mex., for pay of superintendent, and for general repairs and improvements, $54,500; for water supply, $1,600; for addition to girls' dormitory, $18,000; in all, $74,100."

The present dormitory capacity for girls at the Santa Fe school is not to exceed 60 per cent of that required. The present building is crowded with 100 girls, and every year many girls are refused admittance because of lack of accommodations. An addition to this building is an absolute necessity, and it is estimated that it will cost $18,000.

I am advised by the Acting Commissioner of Indian Affairs that a domestic science building was constructed at the Santa Fe school just recently, costing nearly $6,000, and that there is a workshop building at the school which is amply sufficient to meet its needs for industrial work. The items of $7,000 for a domestic science building, and $14,000 for a workshop are therefore not needed, and can be stricken from the amendment as submitted.

If the $18,000 for the construction of an addition to the girls' dormitory, estimated for by the department, can be made immediately available so that building operations can be commenced before the beginning of the next fiscal year, this building could be completed and ready for occupancy next fall, which would increase the capacity of the school to approximately 400 pupils.

It is therefore recommended that the amendment for the support and education of pupils at the Santa Fe School be made to read as follows:

"For support and education of 400 pupils at the Indian school at Santa Fe, N. Mex., and for pay of superintendent, $68,600; for general repairs and improvements, $8,000; for water supply, $1,600; for addition to girls' dormitory, to be made immediately available, $18,000; for a gymnasium and assembly hall combined, $25,000; in all, $121,200."

While the estimates for the Santa Fe School originally submitted by the department did not include an item for the construction of a gymnasium and assembly hall building, a building for these purposes would be very desirable.

It is earnestly recommended that these estimates receive favorable consideration.

Lines 4 and 5, on page 2, of the proposed amendment contemplates the elimination from the appropriation bill of that item which provides for the employment and salary and contingent expenses of the special attorney for the Pueblo Indians of New Mexico. The department is of the opinion that it would be unwise to strike this item from the bill. The lands of some of the Pueblos are very much involved, and the special attorney has instituted a number of suits with a view to removing clouds from the titles and recovering lands to which claims opposed to the interests of the Indians have been made. While it is probably true that these cases could be handled by the United States attorneys, the Indians have great confidence in their special attorney, and it is believed by the department that the work done by him has been of great benefit to these Indians and will prove to be of still greater benefit if this attorney is permitted to proceed with the cases that are now before the courts.

The United States attorneys, as a rule, are so greatly pressed with Government business that they can hardly give these Indian matters the proper and minute attention which they require. The lawyer who has occupied the position of special attorney for the past three or four years has made a most searching investigation into the matters involved, and the department is of the opinion that it would be a step backward and result in longer delay in clearing up the titles of the Pueblo Indians, should they be deprived of their special attorney at this time.

It is therefore respectfully recommended that lines 4 and 5 on page 2 of the proposed amendment be stricken therefrom.

Respectfully,

WALTER L. FISHER, *Secretary.*

Mr. GRONNA. I offer the following amendment.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 34, line 18, strike out the words "in all, $89,500" and insert:

For a fair at Fort Totten, $1,000, to be expended under the direction and supervision of the superintendent; in all, $90,500.

Mr. GAMBLE. I wish to ask, in regard to the amendment offered by the Senator from North Dakota, if there is any estimate in regard to the amount in the amendment which he proposes, and has there been any report from a committee?

Mr. GRONNA. In reply to the inquiry made by the Senator from South Dakota, the chairman of the committee, I will say that I understand that the amendment was inadvertently omitted. I have been told it was presented to the committee, and it was understood that it should go into the bill.

Mr. GAMBLE. I have no such information, and I think I was present at all the meetings of the committee. If there has been no estimate, I will raise the point of order against it, because it is taking it out of the funds in the Treasury. There has been such a provision for some years in Minnesota. The junior Senator from Minnesota [Mr. CLAPP] suggests that the amendment of the Senator from North Dakota was inadvertently omitted.

Mr. CLAPP. The Senator from North Dakota is right when he supposes it was inadvertently omitted.

Mr. GRONNA. I said I understood it was inadvertently omitted.

Mr. GAMBLE. I say the amendment proposes to take the money out of the Federal Treasury. Such a provision has been embodied heretofore in regard to Minnesota, but it was taken out of the funds of the Indians.

Mr. GRONNA. If the Senator will allow me, I hope he will not make a point of order against this amendment. It is an appropriation of only $1,000; and I offered the amendment at the request of a delegation of Indians who were here this winter.

Mr. LODGE. It is only a thousand dollars.

Mr. CLAPP. I hope the Senator from South Dakota will allow the amendment to go on the bill. There is no money that we invest that is a better investment than bringing the Indians together at these county fairs. I hope the Senator will not press the point of order.

Mr. GAMBLE. I will merely make the suggestion that if we are to appropriate out of the Federal Treasury for Indian fairs there will be not only one or two such amendments as we have now, but they will be coming from every reservation in the country.

Mr. CLAPP. It is always in the power of Congress to stop it.

The PRESIDENT pro tempore. Does the Senator from South Dakota make the point of order?

Mr. GAMBLE. Yes, sir.

The PRESIDENT pro tempore. The Senator from South Dakota makes the point of order that the appropriation is not estimated for. The point of order is sustained.

Mr. GRONNA. I offer another amendment, which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 34, after line 18, insert:

For examination of the land embraced in Sullys Hill Park to determine whether it contains valuable minerals, $1,000, or so much thereof as may be necessary.

Mr. GAMBLE. I ask the Senator from North Dakota if there is any report from a committee?

Mr. GRONNA. I do not know that an estimate has been made for this amount, but I do know that the Secretary of the Interior and the Commissioner of Indian Affairs are in favor of this item.

Mr. GAMBLE. I will make the point of order that it has not been estimated for and has not been reported by any standing committee of the Senate.

The PRESIDENT pro tempore. If the item is not estimated for, the point of order is sustained.

Mr. THOMAS. I offer the following amendment.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 32, after line 3, it is proposed to insert:

The Secretary of the Interior is hereby authorized and directed to enroll Tilla A. Provost and her son, Harold Provost, upon the rolls of the Nebraska Winnebago Indians, and said Tilla A. Provost, as head of a family, is hereby allotted 180 acres of land according to her selection.

Mr. GAMBLE. I make the point of order against the amendment that there is no report from a standing committee of the Senate, that it is not estimated for, and that it is legislation upon an appropriation bill. I might add further that this amendment came up before the committee and was heard and was not included in the bill.

Mr. THOMAS. I hope that the Senator from South Dakota will withdraw that point of order. This is a most meritorious claim. It is one which certainly does not burden this bill with any additional amount of appropriation. This woman, according to the judgment of the officials of the Indian Bureau, is entitled to be enrolled as she here asks to be, but the Secretary of the Interior has been compelled, by reason of his position and a rule of the department, to reverse the holding of the Indian Bureau, not because the holding was contrary to law in this case, but because of the rule that an executive officer shall not admit a claim against the United States. This woman was born in this tribe.

The fact that she has not been enrolled is due to a payment to her stepmother, who was not entitled to receive it, of the tribal funds which belonged to her. Inasmuch as it is admitted that she ought properly to be enrolled and to receive this allotment to which she is entitled, I hope the Senator will withdraw his point of order and permit the amendment to be adopted.

Mr. GAMBLE. I would not, Mr. President, feel justified or authorized in doing that. This party was given a full hearing before the Committee on Indian Affairs of the Senate, and the amendment was there rejected.

The PRESIDENT pro tempore. The point of order is sustained, on the ground that the amendment is general legislation on an appropriation bill.

Mr. THOMAS. I have another amendment, Mr. President, which I send to the desk.

The PRESIDENT pro tempore. The Senator from Colorado offers an amendment, which will be stated.

The SECRETARY. On page 57, line 13, it is proposed to strike out the words "cause an investigation to be made of" and in lieu thereof to insert "appoint three commissioners, who shall be instructed and required to investigate."

The PRESIDENT pro tempore. That seems to be an amendment to an amendment already agreed to. If the Senator will withhold it until the bill gets into the Senate, it will then be in order, but it is not in order now unless the vote of the Senate agreeing to the amendment heretofore adopted is reconsidered.

Mr. THOMAS. I want the amendment to be considered before the bill passes.

The PRESIDENT pro tempore. If the Senator will withhold the amendment until the bill gets into the Senate, it will then be in order.

Mr. DIXON. I offer an amendment, which I sent to the desk, on page 27, line 7, to correct the verbiage. I do so at the suggestion of the Director of the Reclamation Service.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Montana will be stated.

The SECRETARY. On page 27, line 7, before the word "disposed," it is proposed to insert "or which have been heretofore," so that if amended it will read:

And the unallotted irrigable lands to be or which have been heretofore disposed of under authority of law.

Mr. DIXON. The Director of the Reclamation Service tells me there might be some possible question raised as to the locality of the allotment to the settler unless this amendment be made.

The amendment was agreed to.

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

The PRESIDENT pro tempore. The amendment proposed by the Senator from New Mexico will be stated.

The SECRETARY. On page 39, at the end of line 5, after the name "Edward Welch," it is proposed to insert the following proviso:

Provided, That no part of the $100,000 hereby appropriated, nor of the $200,000 appropriated by the act approved April 24, 1912, making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1913, which was authorized to be expended for the relief and settlement of the Apache Indians now confined as prisoners of war at Fort Sill Military Reservation, Okla., on lands to be selected for them by the Secretary of the Interior and the Secretary of War, to be expended under such rules and regulations as the Secretary of the Interior and the Secretary of War may prescribe, shall be used for the purpose of transporting or making settlement of said Apache Indians, prisoners of war at Fort Sill Military Reservation, Okla., within the State of New Mexico or State of Arizona.

The PRESIDENT pro tempore. The question is on the amendment proposed by the Senator from New Mexico.

Mr. GAMBLE. I make the point of order against the amendment that it is not recommended by any standing committee of the Senate and that it is general legislation.

The PRESIDENT pro tempore. The Chair sustains the point of order on the ground that the amendment is general legislation.

Mr. FALL. Mr. President, before the President pro tempore rules on the point of order I should like to be heard for a moment.

At the last session of Congress, Mr. President, when this bill was up for consideration the conference committee in its report presented to this body a provision that $200,000 should be appropriated for the purpose of removing these Indians to the Mescalero Reserve in New Mexico. I have the record before me in relation to the matter, but I do not think it will be necessary to quote the language. However, that was the provision. The acting chairman of the committee, the Senator from Minnesota [Mr. CLAPP], explained to the Senate that this was not a customary method adopted in matters of this kind for a provision such as this to be presented in a conference report for the first time. The matter was then discussed very fully, and the opinions of the Senators from Arizona and New Mexico were expressed in very strong language as to the proposition that these Indians should be removed to either of those new States. After full consideration and after very full discussion, the bill was sent back to the conference committee.

There were only two objections to the conference report at that time—one made by the Senator from Kansas and the other first made by myself, joined in by my colleague and the Senators from Arizona. After listening to the objections of the Senators, the entire Indian appropriation bill was sent back to the conferees because of those objections. The conferees subsequently brought in a report simply providing for the appropriation of $200,000 for the removal of these Indians from Fort Sill to land to be selected by the Secretary of the Interior and the Secretary of War.

Mr. President, none of the lands in the Mescalero Reserve in New Mexico have ever been allotted in severalty. Those lands are held by the Mescalero Tribe of Apaches as a tribe. They are used by those Indians for agricultural purposes, without allotment, each, however, having, by general consent, his little piece of agricultural land. The balance of the lands are generally used for grazing lands.

The action of the Senate itself and of the Congress in making this appropriation certainly was in accordance with the objections made here on this floor by Senators, striking out that provision which authorized the removal of those Indians to the Mescalero Reserve in New Mexico and simply providing an appropriation of $200,000, through which they might secure allotments in Oklahoma or in some other place.

I am not going to refer to the private conferences between the Representatives in Congress from Oklahoma, who were conferees on this bill, and the Representatives from New Mexico or the Senators from New Mexico, and the agreement reached there, because such an agreement was crystallized in legislation.

Now, Mr. President, the proposition we are confronted with here is simply this: Shall the Congress of the United States pass an appropriation bill, providing impliedly, as strongly as such an implication could be found or could be written, that the appropriation should not be used for certain purposes, and then have the Secretary of the Interior of the United States override the will of Congress? In other words, shall the Congress of the United States make an appropriation and direct its application, or shall the Secretary of the Interior legislate by appropriation in such matters as this? This is precisely the question with which we are now confronted. The Senate of the United States, when this same matter came before it at a previous session directly providing that these Indians should be sent back to the Mescalero Reservation in New Mexico, turned that proposition down absolutely, re-referred the bill to the conference committee, and the conferees then simply authorized an appropriation of $200,000 for the placing of these Indians on allotments. There are no allotments, and no part of this money can be used for securing lands in severalty on the Mescalero Reserve.

Mr. President, the Secretary of the Interior of the United States is now taking steps, despite the action of Congress, to send those Indians back to Mescalero over the protest of the citizens of New Mexico and over the protest of their Senators here in the Senate of the United States and despite the action taken by this body and the lower House and the conferees of the two Houses at the last session.

I do not care to go fully into an explanation of what is behind this movement. In 1911 a report was made to the Secretary of the Interior upon this proposition. That report was made at the instigation of certain interested parties. I do not care to expose them; but I want to say that the Mescalero Indians or the head men of the Mescalero Indians in 1911—I have the report here—agreed that a certain proportion of the Fort Sill Apaches might be brought back there.

Reading between the lines and reading the expression of the then agent of the Mescalero Indians, you can see that influence had been brought to bear. He says the matter has been thrashed out from time to time, until finally these Indians have consented that a certain proportion of the Fort Sill Indians might be brought to Mescalero. The Fort Sill Apache Indians did not come from the Mescalero Agency. They are not Mescalero Apaches. They were the Hot Springs and San Carlos Apaches of Arizona. None of them are Mescalero Apaches. They followed Geronimo in the Apache War. A few of these men claim to have married relatives of some of the Indian women now living upon the Mescalero Reserve. Now it is sought to send them back to Mescalero.

Mr. President, the entire people of New Mexico are protesting against this action. I have here upon my desk a resolution from the Legislature of New Mexico, passed unanimously, requesting that such action as I now advocate and as is embraced in this amendment be adopted by the Congress of the United States.

If Senators want to know why the headmen of the Mescalero Indians agreed that the Fort Sill Apache Indians might be sent back there and that they would receive them, I will say that I have the documents here, coming from the office of the Secretary of the Interior himself, showing exactly why. It is because the superintendent of that agency has told these people that he would secure for them—the Mescaleros—$3,000,000 to be distributed among them if they would agree to receive the Fort Sill Apaches. I hold in my hand a letter from the present agent of the Mescalero Indians, in which he says that at present, if the lands of the Mescalero Indians were allotted in severalty to the 450 Mescaleros now residing on the reservation, there would only be from 10 to 15 acres of land which it would be possible for them to use for agricultural purposes. Now it is proposed to place upon that reservation 200 Indians more, who never belonged there, who never were any part of the Mescalero Tribe, and who have no rights there whatsoever. It is held out to them finally in this letter to the Secretary of the Interior, or to the Commissioner of Indian Affairs, that if this move is made, then $500,000 must be appropriated for the Mescalero Indians; and the Commissioner of Indian Affairs writes back to him that it is too late to make the estimate; that they can not get it through this Congress; but should they move the Indians to Mescalero, then hereafter they could come before Congress and ask an appropriation of from $500,000 to $3,000,000 to reimburse the Mescaleros.

All their headmen have agreed to these people coming back because they have been told that immediately they would receive $500,000 from the Government of the United States. This is the true inwardness of this proposition.

We have no objection to the Fort Sill Apaches being removed from the Fort Sill Reservation; we have absolutely no objection to their being discharged as prisoners of war; but we do object

most scriously to receiving them back in New Mexico, where they themselves and their fathers made the ground run red with the blood of Americans, descendants of whom are yet living around the Mescalero Reserve. I know whereof I speak, because the reservation is in my own county in New Mexico. Around this reservation there are little cairns of stones thrown up where Americans and Mexicans may see them as they pass by to indicate where some man or some woman or some child was murdered by these Apaches. Those piles of stones have been erected, in accordance with the Mexican custom, to the memory of the deceased.

Mr. President, when I originally went to New Mexico the first town that I went into was Silver City, and as I got off the train in the streets of Silver City one of the first things I saw was an American holding in his hand the bleeding scalp of a woman who had been killed by one of these Fort Sill Apaches within a mile of the courthouse of Silver City that afternoon. The Indian who scalped her had been shot.

Can you not find some other place to take these Indians? Is it possible there is not sufficient land in all these great United States to which Indians can be taken and where they can be kept without forcing them back to live among the people whose relatives they murdered? Why should they not occupy the land which has been given to them adjoining the Fort Sill Military Reservation in Oklahoma? What use is to be made of the land from which these Apaches are to be withdrawn? We care nothing about that. We agreed at the last session of Congress with the Representatives of Oklahoma on the Indian Committee in conference that no part of this money should be used under any circumstances to locate these Indians in New Mexico. I think the Senator from Minnesota, who had this bill in charge at that time, will bear me out in the assertion that no part of this money was to be used for that purpose?

Mr. CLAPP. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New Mexico yield to the Senator from Minnesota?

Mr. FALL. I do.

Mr. CLAPP. There is no question as to the correctness of the statement the Senator makes.

Mr. FALL. I thank the Senator from Minnesota. Now, I hope that the chairman of the committee having this bill in charge will not insist upon the point of order.

Mr. President, it is an outrage upon the people of New Mexico, and it is bad faith upon the part of the Secretary of the Interior, who has had this matter brought before him, in view of the record shown here made in this body at the last session, to insist that he will misapply these funds and take these Indians back, despite the protest of the legislature and of the people of New Mexico and of their Representatives in Congress. I hope that the Senator will not insist upon his point of order.

Mr. DIXON. Mr. President, I ask that the amendment offered by the Senator from New Mexico may be again read.

The PRESIDENT pro tempore. The amendment will be again stated.

The SECRETARY. On page 39, at the end of line 5, it is proposed to insert:

Provided, That no part of the $100,000 hereby appropriated, nor of the $200,000 appropriated by the act approved April 24, 1912, making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1913, which was authorized to be expended for the relief and settlement of the Apache Indians now confined as prisoners of war at Fort Sill Military Reservation, Okla., on lands to be selected for them by the Secretary of the Interior and the Secretary of War, to be expended under such rules and regulations as the Secretary of the Interior and the Secretary of War may prescribe, shall be used for the purpose of transporting or making settlement of said Apache Indians, prisoners of war at Fort Sill Military Reservation, Okla., within the State of New Mexico or State of Arizona.

Mr. GAMBLE. Mr. President, I withdraw the point of order.

The PRESIDENT pro tempore. The Senator from South Dakota withdraws the point of order.

Mr. THOMAS. Mr. President, these points of order seem to be something extremely flexible. They are withdrawn very readily in behalf of some Senators and insisted upon very rigidly in behalf of others. I renew the point of order.

The PRESIDENT pro tempore. The point of order is renewed, and the point of order is sustained.

Mr. JONES. Mr. President, I desire to reoffer the two paragraphs on page 62, down to line 4 on page 63, with the added paragraph that I have marked here, which meet the objections made a few moments ago.

The PRESIDING OFFICER (Mr. CURTIS in the chair). The Senator from Washington offers an amendment, which the Secretary will state.

The SECRETARY. The Senator from Washington offers the amendment printed on page 62, ending with line 4, on page 63, with the following addition:

That the allotment herein authorized shall not be made, nor shall the confirmation of the patents issued in the names of Deborah A. Griffin and Mary J. Griffin become effective, until payment be made to the Secretary of the Interior on behalf of those claiming under the said patents of the sum of $500, which shall be disposed of for the benefit of the Colville Indians in the manner as provided in section 6 of the act of March 22, 1906 (34 Stat. L., p. 80).

The amendment was agreed to.

Mr. OWEN. On page 44, line 5, after the figures "$40,000," I move to insert "$5,000 of which is to be immediately available." The Commissioner to the Five Civilized Tribes has advertised 200,000 acres of land to be sold in May, and it is feared that the available appropriation will be exhausted before the sale is completed.

The PRESIDING OFFICER. The Secretary will state the amendment to the amendment.

The SECRETARY. On page 44 in the committee amendment, line 5, after the numerals "$40,000," it is proposed to insert:

$5,000 to be immediately available.

The amendment to the amendment was agreed to.

Mr. OWEN. Mr. President, I have one other item here which I was requested to offer by one of the Members of the Oklahoma delegation. I send it to the desk and ask that it may be read.

The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. On page 35, after line 15, it is proposed to insert:

That the Secretary of the Interior is hereby authorized, in his discretion, to extend the time of the deferred payments on the town lots of the north addition to the city of Lawton, Okla., one year from the date on which they become due under existing law: *Provided*, That no title shall issue to any such purchaser until all deferred payments, interest, and taxes have been made as provided in the act of March 27, 1908 (35 Stats., 49), and the act of February 18, 1909 (35 Stats., 637).

Mr. GAMBLE. Mr. President, I will ask the Senator from Oklahoma, what is the necessity for this amendment. Has it been recommended by the department, and is there a bill pending for it?

Mr. OWEN. There is a bill pending for it in the House, which has been favorably reported from the committee in the House. It will simply result in some of these people who have town lots paying 5 per cent interest that much longer, rather than to force them to pay immediately. It does not do the Indians any harm. It simply extends the time within which they may pay it.

The amendment was agreed to.

Mr. THOMAS. Mr. President, I desire to withdraw the point of order which I made to the amendment of the Senator from New Mexico.

The PRESIDING OFFICER. The Senator from Colorado withdraws the point of order made by him to the amendment offered by the Senator from New Mexico.

Mr. OWEN. Mr. President, I renew the point of order.

The PRESIDING OFFICER. The Senator from Oklahoma renews the point of order. The point of order is sustained.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. THOMAS. I offer an amendment, which I send to the desk.

The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. On page 57, line 13, it is proposed to strike out the words "cause an investigation to be made of" and insert:

Appoint three commissioners, who shall be instructed and required to investigate.

Mr. GAMBLE. Mr. President, I raise the point of order that that has not been estimated for; it has not been recommended by any standing committee of the Senate; and in addition to that, full authority is given in the provision itself for the Secretary to send out special agents to take up this matter, which would be without any additional expense to the Government. If commissioners are appointed it will result in incurring an expense and an obligation that I do not think is necessary; and I insist upon the point of order.

The PRESIDING OFFICER. The point of order is sustained.

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

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read three times, the question is, Shall it pass?

Mr. FALL. I suggest the absence of a quorum, Mr. President.

The PRESIDING OFFICER. The Senator from New Mexico suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Curtis	Lodge	Sheppard
Bacon	Dillingham	Martin, Va.	Simmons
Bankhead	Dixon	Martine, N. J.	Smith, Ga.
Borah	du Pont	Myers	Smith, Mich.
Bourne	Fall	Nelson	Smoot
Bradley	Fletcher	O'Gorman	Sutherland
Brady	Foster	Oliver	Swanson
Brandegee	Gallinger	Overman	Thomas
Bristow	Gamble	Owen	Thornton
Bryan	Gronna	Page	Townsend
Burnham	Guggenheim	Paynter	Warren
Burton	Johnson, Me.	Penrose	Webb
Catron	Jones	Percy	Wetmore
Chamberlain	Kavanaugh	Pittman	Works
Clarke, Ark.	Kenyon	Poindexter	
Crane	Lea	Richardson	
Cummins	Lippitt	Root	

The PRESIDENT pro tempore. Sixty-five Senators have answered to their names. A quorum of the Senate is present.

The bill having been read three times, the question is, Shall it pass?

Mr. FALL. On that I demand the yeas and nays.

The yeas and nays were ordered, and the Secretary called the roll.

Mr. SMITH of Michigan (after having voted in the negative). I voted inadvertently. I am paired with the junior Senator from Missouri [Mr. REED], and withdraw my vote.

Mr. STONE (after having voted in the affirmative). I should like to inquire whether the Senator from Wyoming [Mr. CLARK] has voted?

The PRESIDENT pro tempore. The Chair is informed that that Senator has not voted.

Mr. STONE. Having a pair with him, I withdraw my vote.

The result was announced, yeas 68, nays 5, as follows:

YEAS—68.

Ashurst	Dixon	Lodge	Root
Bacon	Fletcher	McCumber	Sheppard
Bankhead	Foster	Martin, Va.	Simmons
Borah	Gallinger	Martine, N. J.	Smith, Ariz.
Bourne	Gamble	Myers	Smith, Ga.
Brady	Gore	O'Gorman	Smith, S. C.
Brandegee	Gronna	Oliver	Smoot
Bristow	Guggenheim	Overman	Sutherland
Bryan	Johnson, Me.	Owen	Swanson
Burnham	Johnston, Ala.	Page	Thornton
Chamberlain	Jones	Paynter	Tillman
Clapp	Kavanaugh	Penrose	Townsend
Clarke, Ark.	Kenyon	Perkins	Warren
Crane	Kern	Pittman	Webb
Cummins	La Follette	Poindexter	Wetmore
Curtis	Lea	Pomerene	Williams
Dillingham	Lippitt	Richardson	Works

NAYS—5.

Bradley	Catron	Fall	Thomas
Burton			

NOT VOTING—22.

Briggs	Cullom	Nelson	Smith, Mich.
Brown	du Pont	Newlands	Stephenson
Chilton	Gardner	Percy	Stone
Clark, Wyo.	Hitchcock	Reed	Watson
Crawford	Jackson	Shively	
Culberson	McLean	Smith, Md.	

So the bill was passed.

POST OFFICE APPROPRIATION BILL.

Mr. BOURNE. I move that the Senate proceed to the consideration of House bill 27148, known as the Post Office appropriation bill.

The motion was agreed to.

Several Senators addressed the Chair.

Mr. BOURNE. I yield for routine business.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. WARREN. From the Committee on Appropriations I report back favorably with amendments the bill (H. R. 28775) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1914, and for other purposes, and I submit a report (No. 1317) thereon. I desire to give notice that I shall undertake to call up the bill for consideration to-morrow.

The PRESIDENT pro tempore. The bill will be placed on the calendar.

PREVENTION OF DESECRATION OF THE FLAG.

Mr. LEA. From the Committee on Military Affairs I report back favorably without amendment the bill (S. 8487) to prevent the desecration of the flag of the United States and to provide punishment therefor.

Mr. WEBB. I ask unanimous consent that the bill just reported by my colleague may be put upon its passage. A similar bill passed the Senate in the Fifty-eighth and Sixtieth Congresses, and it carries no appropriation.

The PRESIDENT pro tempore. The Senator from Tennessee asks unanimous consent for the present consideration of the bill just reported.

Mr. SMOOT. Let it be read.

The PRESIDENT pro tempore. The bill will be read for the information of the Senate.

The Secretary read the bill.

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

Mr. ROOT. I think we should be able to read the bill before we act upon it. I feel constrained to object.

The PRESIDENT pro tempore. Objection is made, and the bill goes to the calendar.

POST OFFICE APPROPRIATION BILL.

The Senate, as in Committee of the Whole, proceeded to consider the 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, which had been reported from the Committee on Post Offices and Post Roads with amendments.

Mr. BOURNE. I ask that the Senate dispense with the formal reading of the bill and proceed to consider the amendments of the committee.

The PRESIDENT pro tempore. The Senator from Oregon asks unanimous consent that the formal reading of the bill be dispensed with, that the bill be read for amendment, and that the committee amendments be first considered. Is there objection? The Chair hears none, and it is so ordered.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Post Offices and Post Roads was, under the subhead "Office of the Postmaster General," on page 2, line 11, after "$704,450," to strike out the following proviso:

Provided, That, for the purpose of inspecting and investigating rural delivery routes and proposed rural delivery routes, a number of inspectors not exceeding 30 shall be placed subject to the orders of the Fourth Assistant Postmaster General whenever and for such periods as in his judgment they may be needed for that purpose.

The amendment was agreed to.

The next amendment was, on page 2, line 17, after the word "For," to strike out "per diem allowance" and insert "actual expenses"; in line 19, after the word "headquarters," to strike out "at a rate to be fixed by the Postmaster General"; in line 21, after the word "exceed," to strike out "$3" and insert "$4"; and in the same line, after the word "day," to strike out "$261,400" and insert "$348,534," so as to read:

For actual expenses of inspectors in the field while actually traveling on official business away from their homes, their official domiciles, and their headquarters, not to exceed $4 per day, $348,534.

The amendment was agreed to.

The next amendment was, in the item of appropriation for the allowances of inspectors, on page 3, line 6, after the word "*further*," to strike out "that no part of the sums herein provided for the salaries of post-office inspectors or for per diem allowances to such inspectors shall be paid or allowed to them while they may be engaged in making selections and recommendations for the appointment of fourth-class postmasters," and insert "that when hereafter any vacancy shall occur in the office of postmaster of the fourth class in any of the States of the United States the compensation of the postmaster of which office is $300 or more per year, a special nominating election may be held for the purpose of nominating a postmaster to fill such vacancy. Such nominating elections shall be conducted by the local authorities of the county, township, incorporated town, or city in which such post office is situated, the same as the election for county, township, or municipal officers, and the laws and regulations of the State and township or city in which such post office is located shall be held to apply to and be applicable to the conduct of such nominating election; and the actual necessary expenses incurred in the conducting of such nominating election shall be paid out of the appropriation from the Treasury of the United States for the support and maintenance of the Post Office Department of the United States, and the compensation of the necessary officials for such nominating election shall be the same as that provided by State statutes or city ordinances relating to the expenses for conducting county, township, or municipal elections," so as to make the proviso read:

And provided further, That when hereafter any vacancy shall occur in the office of postmaster of the fourth class in any of the States of the United States, etc.

Mr. TOWNSEND. Mr. President, I feel constrained to raise a point of order on that amendment as being general legislation.

Mr. BRISTOW rose.

Mr. TOWNSEND. I do not care to press it now if the Senator from Kansas desires to speak. I will reserve it.

Mr. BRISTOW. Mr. President, I wish to contest the point of order. This is in lieu of the lines stricken out on page 2 of the information print, lines 6, 7, 8, 9, and 10.

The present system of selecting fourth-class postmasters is for the department to detail inspectors to go to the community and select from the eligibles a postmaster. The House undertook to stop this manner of selection by refusing to permit the inspectors to have their per diem for the time engaged in this kind of work. That is the method which the House adopted to change the existing practice.

The Committee on Post Offices and Post Roads has stricken out the House provision, which seeks to modify and change the present practice, and in lieu of that has incorporated the language of the amendment which provides a way for selecting these postmasters other than that which the House seeks to change. It seems to me like it is a modification of the provision that comes from the House. I do not think it is subject to the point of order.

I will admit that if it had been a new proposition that originated in the Senate and was not in lieu of the lines stricken out, the point of order would hold against it.

Mr. TOWNSEND. I had not supposed that there could be any question about this being general legislation on an appropriation bill. It is true that under existing law the fourth-class postmasters are selected after an investigation and inspection by Government officials, but here we propose a radically new method. We propose to have an election in the various precincts of the fourth-class offices within a certain class, and we involve in that also the expenditure of the money necessarily spent in holding the election. I can think of nothing more radical in the way of legislation on an appropriation bill than this particular item.

Mr. BRISTOW. If the Senator will permit me, the expenditure is provided for in the House bill. It will not cost as much to nominate a postmaster, in my judgment, as the present system of detailing inspectors or sending them there to make a selection costs.

The House cuts out the provision of the law, or would seek to minimize this expense, by refusing the inspector his per diem while detailed upon this work, and by that means it undertakes to change the present system of selecting postmasters.

As is well known, until recently fourth-class postmasters were selected by Members of Congress and political committees. When a vacancy occurred in a congressional district where the Member of Congress belonged to the same political party as the administration in power it has been customary for the Post Office Department to call upon the Congressman for a recommendation for a postmaster to fill the vacancy. In the event that there was a Congressman who was not in harmony politically with the administration, if there was a Senator from that State who did belong to the same party as the President, then the Senator would be called upon for a recommendation. In the event there would be no Senator and no Congressman, then some political agent or committeeman of some character would be called upon to make the recommendation.

The present administration has changed that system. It has put the fourth-class postmasters under the civil service. Instead of depending upon Congressmen or political committees it sends the agents of the department, the inspectors, to make the selection, and they select from a certain eligible list which is created.

Mr. SMITH of Michigan. Mr. President——

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

Mr. BRISTOW. I do.

Mr. SMITH of Michigan. May I ask the Senator right there whether he has observed closely the workings of the new rule, and knows of his own knowledge whether these vacancies have been filled under the civil-service rules?

Mr. BRISTOW. Yes; they are being filled that way now.

Mr. SMITH of Michigan. I do not know to what extent they have not been filled, but I venture the assertion that they have not been able to get candidates for these offices under the new rules, and that scores of offices to-day have no postmaster because no candidates have applied.

Mr. BRISTOW. That may be true. I will not go into a discussion with the Senator from Michigan as to the desirability of the present system. I do not think it is a desirable one myself.

Mr. SMITH of Michigan. I can not let the opportunity go by without felicitating my friend from Kansas upon that expression. The distinguished Senator had a very large experience in the system that prevailed before this new order was established. He held the position of Fourth Assistant Postmaster General. I happened at that time to be a Member of the House of Representatives and came in frequent contact with him in that position, and I venture the assertion that the plan upon which we then worked could not be improved upon; that the personnel of the service, the care which was given the subject, both by the Fourth Assistant Postmaster General and the Representatives in Congress, have never been improved upon.

I wish much of the old order restored. Mr. President, with a full knowledge of the changed political conditions, I would be entirely satisfied after the 4th of March to see the old order reestablished and these offices turned over to prominent men in the community, Democrats, if you please, who feel honored to be thus favored.

Mr. BANKHEAD. Mr. President——

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

Mr. BRISTOW. I do.

Mr. BANKHEAD. I regret very much to have to differ with the distinguished Senator from Michigan with reference to conditions existing under the administration of the distinguished Senator from Kansas. I wish to ask the Senator from Michigan if he would like to accept the conditions now which applied during that administration.

Mr. SMITH of Michigan. Mr. President, I say without the slightest hesitation that I would gladly accept every condition that governed the administration of William McKinley, and I wish that after the 4th of March the country might be assured of such a sane, careful, patriotic, sensible, and successful administration as was enjoyed at that time.

Mr. BANKHEAD. Mr. President, I want to call the attention of the Senator from Michigan to the fact that if that plan should be adopted in the next administration, he certainly would have no worry whatever in selecting fourth-class postmasters in any district in his State.

Mr. SMITH of Michigan. No; but I cheerfully yield that responsibility to the other side of the Chamber. I think that in a country and under a government essentially political the fruits of victory ought to go with the verdict, and let the responsibility rest with the people who have determined the choice of public servants.

Mr. ROOT. Mr. President——

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

Mr. BRISTOW. I shall when the Senator from Alabama is through.

Mr. BANKHEAD. Mr. President, I should like to ask the Senator from Michigan this question: After the 4th of March, if there should be a vacancy in a fourth-class post office in the State of Michigan or within his congressional district, were he a Member of Congress from that State, and he should go down to the First Assistant Postmaster General and say, "I would like to have this office filled," and that official should say to him, "Well, Senator," or "Representative, I will refer the matter to our referee down in your district or your State"——

Mr. SMITH of Michigan. Oh, well, Mr. President, I am not responsible for the scarcity of Democrats in the State of Michigan, although I have not encouraged their multiplication to any great extent.

Mr. BANKHEAD. I am asking the question of the Senator if he thinks that——

Mr. SMITH of Michigan. No; I do not plead guilty to that.

Mr. BANKHEAD. I thought you did.

Mr. SMITH of Michigan. But, Mr. President, under the last Democratic administration of Mr. Cleveland there was no difficulty whatever in parceling out the offices in my State, and to good men.

Mr. BANKHEAD. No; and the reason for that was that the Republicans were all turned out.

Mr. SMITH of Michigan. What does the Senator say?

Mr. BANKHEAD. The reason there was no difficulty in administering the law at that time was that the Assistant Postmaster General who had charge of the matter did not hesitate to make a vacancy and appoint a new man.

Mr. SMITH of Michigan. I know he did not; and I hope the same official will not hesitate to do so again as commissions expire.

Mr. BANKHEAD. He can not, for the fourth-class postmasters are now under the civil service.

Mr. SMITH of Michigan. I should like to see that law repealed.

Mr. BANKHEAD. Very well; but that is a different proposition.

Mr. SMITH of Michigan. Frankly, I do not believe in the application of that rule. Men who have grown up in their communities who have become recognized as men of character and have achieved success, men who have been the color bearers of their party, and who have done the things necessary to bring about party success, are entitled to reap the fruits of their victory, and the public service would not suffer.

Mr. BANKHEAD. That may be true, and I quite agree with the Senator from Michigan, but the conditions now will not permit it.

What I started out to say was that I remember very distinctly during the administration of the Post Office Department when presided over by my distinguished and able friend from Kansas [Mr. BRISTOW] when he was Fourth Assistant Postmaster General, when I went down to his office and suggested to him that there was a vacancy in my district that I should like to have filled, and that I had a very competent man to suggest for the place; that the people were all for him, that there was no opposition to him, the Senator from Kansas would always sit back and say, "Well, I am very sorry; but under the rules I shall have to refer that appointment to our referee down in Alabama." Who was that referee? Of course, he was a Republican; and, of course, nine times out of ten he had no knowledge of conditions; he had no acquaintance with the applicants. That is the way our postmasters were appointed. I do not want to see a recurrence of that in my State, or in that of my distinguished friend from Michigan [Mr. SMITH].

Mr. SMITH of Michigan. Mr. President, I am perfectly willing that that same rule should apply now; in the progress of political warfare, we having temporarily lost, the other side should take all the places; they are responsible for the change. I do not regard the present civil-service system as any improvement upon the old one, as a whole. There is more mean, contemptible, degrading politics in the civil service to-day than is generally understood by the public. This criticism does not apply to all departments, but to many. I assert, without any hesitation whatever, that there has not been a Cabinet minister in charge of any department of this Government in the last 15 years who has run his department. He has been blindfolded by an official force protected by law, and he has been obedient to their will.

Mr. President, I am not much of a wholesale civil-service reformer; I do not believe in it at all as applied to post offices, although certain public work requires experts and can be done best by people of special training. I think it is little less than grotesque to ask the leading men of a little community to get behind a little desk and define the rule of higher mathematics before they can serve the public in that capacity. If candidates are honest and competent, I would like to see all these offices go to the dominant party to be apportioned by them as a reward for loyal political services, and feel that the public would be served with equal fidelity and the expense of administration in no manner increased.

Mr. BRISTOW. Mr. President, I appreciate the cordial expressions of confidence which my friend from Michigan [Mr. SMITH] expresses in the administration of one of the bureaus of the Post Office Department when I was at the head of it. He was delighted with my administration, because under the rules which controlled then, whatever he recommended went. [Laughter.] I appointed upon his recommendation.

Mr. SMITH of Michigan. You never had any complaint.

Mr. BRISTOW. The Senator from Alabama, who was then in the House of Representatives, was not very well satisfied, because I never appointed the man whom he recommended, unless the recommendation was ratified by the Republican committeeman from that district. That was the system which prevailed then. I do not think it a good one. I think it would be a better system for the Representative of the district, regardless of his political affiliations, to nominate all postmasters, because he would have some knowledge of the communities and be better able to judge than would some irresponsible committeeman. I do not care what party is in power or who might be President, it would be a better system to have the Representative make the recommendations for the postmasters within his district. That, however, is not the best system.

The better system is to provide a lawful way in which the people themselves can select the postmasters who are to serve them in the different communities, placing the discretion in the hands of the executive officer, the Postmaster General, to pass upon the qualifications of the man or woman who is recommended. If an incompetent person is recommended, the Postmaster General under this provision is not required to appoint such a person, but he would have the expression of the wishes of the community as to whom that community wants to serve them as their postmaster. Of course, any Postmaster General will appoint that person if the person is competent to properly conduct the office.

Now we all may have theories as to what is the best means of selecting postmasters. The proposition recommended here by the Committee on Post Offices and Post Roads would substitute for the condition to which the Senator from Michigan objects, in my opinion, a better one than the system that now prevails. I have an illustration of it here. A Senator has just received a letter from the Post Office Department which answers one of the questions submitted by the Senator from Michigan. It is from the Postmaster General, and reads:

> In reply to your letter of the 3d instant, with which you transmitted two communications, one from W. H. Pray and the other from Frank C. Stearns and Byron Sweet jointly, in behalf of the appointment of Mrs. Lora E. Moore as postmaster at Roger, N. Dak., to succeed the late postmaster, I beg to say that there were but two eligibles for appointment to fill the vacancy, Ward J. Pickett and Mrs. Moore, both of whom stated in their application papers that they would conduct the post office at the present site. As the rating of Mr. Pickett was 93.10, while that of Mrs. Moore was only 86.05, in accordance with the practice in such cases Mr. Pickett was appointed under date of the 21st ultimo.
>
> In compliance with your request, the letters transmitted by you are returned herewith.

Showing that the Post Office Department is following that system in making these appointments. The House undertakes to change that system by a legislative enactment, and this amendment is a substitute for the House provision, and I think is in order.

As to the merits of the case, it is simply giving the people of a community an opportunity to say in a lawful way whom they prefer for postmaster, and who is more interested in the selection of postmasters than those who are to be served?

Mr. GRONNA. Mr. President——

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

Mr. BRISTOW. I yield to the Senator.

Mr. GRONNA. I was out of the Chamber for a few moments and did not have an opportunity to hear all of the remarks of the Senator from Kansas. I simply want to ask him this question: Does the Senator from Kansas believe that the selection of fourth-class postmasters would be more easily settled by an election than by appointment under the civil service, as they are now supposed to be appointed?

Mr. BRISTOW. I think so. I think it would be far more satisfactory to the community, and I think the expense would be less than under the present system.

Mr. GRONNA. Is it not true that elections carry with them more or less disturbance, more or less trouble, and would it not be better if we could be assured that all these selections would be made as they are now made, under the civil service, or if they were all put in the classified service?

Mr. BRISTOW. All fourth-class postmasters are in the classified service now. I do not think it is practicable to hold examinations for fourth-class postmasters and then select the one who has the highest grade, because the character of the position is such and the nature of the service is such that the person who passes the highest examination may not make the most desirable postmaster, and there is the difficulty of getting people to take the examinations. There are a great many of the fourth-class post offices where it is the question of what store is to have the post office, where it is to be located, and that is a matter in which the community is interested. This proposition is simply to permit the people of that community at a primary election to determine whom they want for postmaster. Why should they not determine that as well as whom they want for their township trustee or for their sheriff or for their county clerk or for any other local office?

M. GRONNA. I do not say that the people are not as competent to make as wise selections as are made under civil-service rules, but the letter the Senator just read shows that the present system is in the interest of efficiency, in the interest of good service, and that those most capable are being selected.

Mr. BRISTOW. If these were political positions and the person selected was to take a place in an office as a clerk, I quite agree with the Senator. I believe in the civil service as to that. I can not accord with my friend from Michigan [Mr. SMITH] in the criticism of the general civil-service policy.

Mr. STONE. Mr. President——

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

Mr. BRISTOW. I yield to the Senator.

Mr. STONE. I should like, for information, to ask my friend from Kansas one or two questions.

Mr. BRISTOW. I will be very glad to answer if I can.

Mr. STONE. I am sure the Senator can if anyone can, although there is some doubt whether anybody can. The provision inserted as an amendment provides:

That when hereafter any vacancy shall occur in the office of postmaster of the fourth class in any of the States of the United States the compensation of the postmaster of which office is $300 or more per year, a special nominating election may be held for the purpose of nominating a postmaster to fill such vacancy.

Now follows this provision—and this is one of the two matters about which I wish to ask the Senator for some information—

Such nominating elections shall be conducted by the local authorities of the county, township, incorporated town or city in which such post office is situated, the same as the election for county, township, or municipal officers, and the laws and regulations of the State and township or city in which such post office is located shall be held to apply to and be applicable to the conduct of such nominating election.

What constituency would have the right to vote at that election?

Mr. BRISTOW. The Postmaster General would have the authority to determine that. If the Senator wants to know what my opinion is as to the constituency that should be prescribed, I would say the patrons of the office. It is easy to ascertain who they are. That is a question for the administration to decide.

Mr. STONE. Does this contemplate that the Post Office Department shall define the election-district limits of each fourth-class post office?

Mr. BRISTOW. Yes; it could do that.

Mr. STONE. How many of these fourth-class post offices are there?

Mr. BRISTOW. There are something over 50,000.

Mr. STONE. That would entail a pretty large task on the Post Office Department, would it not?

Mr. BRISTOW. I think not.

Mr. STONE. I will ask the Senator whether, taking any village in his State or in mine where the conditions are substantially the same——

Mr. BRISTOW. I should say there are not 50,000 post offices that would come under the provisions of this amendment. I had in mind the entire number. There probably would not be more than twelve or fifteen thousand of this great number, not to exceed 20,000 in any event.

Mr. STONE. You mean where the compensation is $300 and over?

Mr. BRISTOW. Yes.

Mr. STONE. There are 20,000 offices then that would be affected?

Mr. BRISTOW. Yes; not to exceed that, in my judgment. Of course, that is simply an estimate.

Mr. STONE. Take any fourth-class post office where the compensation is $300 or more, would it not be a rather difficult task to define the limits in a manner satisfactory to determine the election?

Mr. BRISTOW. No; the resident patrons of the office would be on the eligible list, and the list of resident patrons of an office can be secured very easily.

Mr. STONE. This language disturbs me a little bit:

Such nominating elections shall be conducted by the local authorities of the county, township, incorporated town or city in which such post office is situated.

Mr. BRISTOW. Yes.

Mr. STONE. Take a fourth-class post office in the county in which my friend lives: According to this, it could be held by the local authorities of the county. Who is to hold it under the particular provisions of this bill? Would it be the county or the township?

Mr. BRISTOW. It would be the township, as a rule.

Mr. STONE. But it is in the county as well as in the township.

Mr. BRISTOW. Yes; but that is a matter for the Postmaster General, of course. He has the discretion. It depends upon the location of the office. If the office is a small one, out in a township, of course the township officers would be designated as the proper officers to conduct the election, and it would be conducted under the same laws that a township election would be conducted.

Mr. STONE. It is in a county, nevertheless; and under the very terms of the law the people of the county might insist upon conducting it.

Mr. BRISTOW. If the Senator from Missouri will pardon me a minute, if any election is held within that county the officers in the township that serve that community hold the election in that township. In his own State the Senator knows that that is done. The officers that conduct the election primarily are the township officers of election, and they of course send their returns, in the case of a county election, to the township commissioners. So that that is not at all difficult. The officers are there for holding local elections, and the Postmaster General simply makes the designation. If there were to be an election of a postmaster in the county in which I live, as the Senator has referred to me, there would be no difficulty about it.

Mr. STONE. I fear that would create a very great deal of confusion. My friend from Mississippi asks, "What are you going to do in a section of the country or a State where they have no such thing as a township?"

Mr. BRISTOW. There is always a subdivision which corresponds to a township. In New England it is a town. I think in Louisiana it is a parish, or some subdivision of a parish.

Mr. WILLIAMS. A parish in Louisiana is a county itself.

Mr. BRISTOW. There is some local subdivision, is there not, of the parish?

Mr. WILLIAMS. In Mississippi each county is divided into about five "beats," as they are called, simply for the purpose of electing a magistrate and constable, and——

Mr. BRISTOW. That is the same as a township in Kansas, or a town in New England.

Mr. WILLIAMS. Each of them has a member of the board of supervisors; but there is no constant, enduring form of election officers.

Mr. BRISTOW. Then the county officers that conduct the elections in that "beat," as it is called, would have control of the matter.

Mr. SMITH of Michigan. Mr. President——

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

Mr. BRISTOW. Certainly.

Mr. SMITH of Michigan. Let me suggest to the Senator from Kansas that the theory upon which his amendment is predicated is that a majority of the people will determine for themselves whom they want for a postmaster.

Mr. BRISTOW. Yes.

Mr. SMITH of Michigan. If only a small faction were to determine the matter the amendment of the Senator from Kansas would entirely miscarry, would it not?

Mr. BRISTOW. Oh, yes; the same as any other election, if the people do not take any interest in an election.

Mr. SMITH of Michigan. But a multiplicity of candidates—say, four or five candidates—would reduce the percentage of any one candidate far below a majority; and, then, if we get the recall, there would be more than enough dissenters to retire him before he could take his place.

Mr. BRISTOW. It is the same method in which county and township officers are elected now. That criticism would go to the whole system of institutions under which we have been living for more than a century.

Mr. STONE. If my friend will permit me, I will ask him the second question I had in mind. I do not wish to interrupt my friend too long or to impose too much upon his known courtesy.

Mr. BRISTOW. Oh, not at all. There is no imposition.

Mr. STONE. There is a provision here to the effect that—

The actual necessary expenses incurred in the conducting of such nominating election shall be paid out of the appropriation from the Treasury of the United States for the support and maintenance of the Post Office Department—

And so forth.

That provision goes on further to say that the per diem or compensation to be paid the officials who are to conduct these elections shall correspond to the compensation allowed by the statutes locally applicable in the case of somewhat similar elections. Is that correct?

Mr. BRISTOW. Yes.

Mr. STONE. That is correct?

Mr. BRISTOW. Yes.

Mr. STONE. Has the Senator thought out—I assume he has and will be able to furnish the information I seek—the probable cost of holding these 20,000 or more elections?

Mr. BRISTOW. In the first place, I wish to advise the Senator that there would not be any 20,000 elections held. There are hundreds and hundreds of these post offices that do not become vacant and where there will be no election.

Mr STONE. At some time there will be.

Mr. BRISTOW. Oh, in time, as the years go by; but I have in mind one postmaster in New York who served for 70 years in a fourth-class post office.

Mr. STONE. Does the Senator desire, in this way, to nominate a man to hold office for life, or during good behavior?

Mr. BRISTOW. They will hold their offices just the same as they do now. A fourth-class postmaster has no term of service. He serves until he dies, resigns, or is removed. In the days when the spoils system was running its full course, I do not think there were ever more than 12,000 appointments of postmasters in the United States made in any one year, and I do

not think there would be any more rapid changes under this system than there are under the present system; and of course the appointment would run on.

Mr. STONE. With all due deference, this seems to me to be a very remarkable departure from anything I have ever conceived likely to take place in the administration of this Government. The measure itself is too crude, not sufficiently developed, to undertake to put it forth in this form.

The PRESIDENT pro tempore. The Chair is prepared to rule on the point of order.

Mr. BRISTOW. If the Senator will pardon me, we have drifted from the point of order to the merits of the case; and I wish to answer my friend from Missouri by saying that the method, in my opinion, is not crude. It has been practiced in many sections of the country. Congressmen have adopted it, only they have held party primaries. This takes the matter out of partisan politics and leaves it with the community to select whomsoever they please.

As to the fourth-class postmasters in office, this provision does not change the present policy or method as to them at all. Whenever a removal is made, whenever a vacancy occurs, for whatever cause, the people nominate a successor, instead of depending upon some political committeeman or some Member of Congress to nominate him.

Mr. SUTHERLAND. Mr. President——

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

Mr. BRISTOW. Certainly.

Mr. SUTHERLAND. I should like to ask the Senator a question. The language of this amendment, as the Senator has already said, is permissive. Who is to exercise the option as to whether or not an election shall be held?

Mr. BRISTOW. The Postmaster General.

Mr. SUTHERLAND. The Senator's amendment does not say so. If the Senator will permit me, the amendment simply says——

Mr. BRISTOW. That it may be held.

Mr. SUTHERLAND. "That when vacancies occur," and so on, "a special nominating election may be held for the purpose of nominating a postmaster." It is left entirely in doubt, it seems to me, as to whether the community shall exercise the option or whether the Postmaster General or somebody else shall exercise the option.

Mr. BRISTOW. The Senator is a great constitutional lawyer, and I will say to him that when I drew this amendment, in the first place, I made it mandatory upon the Postmaster General to appoint the party so selected. But the constitutional lawyers belonging to the Committee on Post Offices and Post Roads said that under the Constitution of the United States you could not command an executive officer to make a specific appointment. They advised me that you had to leave it optional with him. We invite the Postmaster General to hold this primary to give the people an opportunity to nominate a candidate for him to appoint as postmaster, and the Government will pay the expenses of that primary. If the Postmaster General does not do it, then the law is of no effect; it does not prevail. But the responsibility is on the executive officer to determine whether or not he will follow out the plan which Congress has provided that he may follow if he sees fit.

Mr. SUTHERLAND. I was not complaining that the language of the amendment was not mandatory, but I was complaining that the permission was granted without saying to whom it was granted.

Mr. BRISTOW. It was granted to the Postmaster General, of course, because we have given him in the law the authority to appoint these postmasters and select them in any way he pleases. Now, we propose in this way to offer to pay the expenses of this mode of selection. If the Postmaster General accepts it——

Mr. WILLIAMS. Mr. President——

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

Mr. BRISTOW. I do.

Mr. WILLIAMS. Mr. President, if any postmaster chose, and the chief of the administration with which he served agreed with him, he could order these special nominating elections in his discretion and make the appointments accordingly. He could prescribe that or any other method as a rule of conduct for the department. What are you doing here more than giving an authority which the Postmaster General already has?

Mr. BRISTOW. The Postmaster General does not now have the authority. In the first place, he could not pay the expenses of such an election. There is no provision for it, and there is no way that I know of by which he could avail himself of the election laws of the State in order to meet this expense.

Mr. WILLIAMS. The question of the expense is another matter. Of course, Congress would have to grant an appropriation when the rule or regulation was made, or he would have to find it in a lump sum granted to the post office somewhere which would be applicable for this purpose. But it is a fact that such elections have been held. I myself, when a Member of the House of Representatives, in two cases called elections of the Democratic patrons of the post office to determine whom they wanted for postmaster. By the way, there it was much fairer than here, because if at the first nominating convention nobody had a majority they had to hold a second one, so that somebody must have a majority instead of a mere plurality.

But the point of my remark is that, of course, no money can be paid out of the Treasury except by act of Congress. So far as concerns adopting a rule of guidance for itself, however, the Post Office Department, provided the President agrees to it, has full power now to adopt this or any other method it may choose as a rule of guidance for itself. It has already adopted the rule, under which it is now acting, of letting the Congressman's recommendation control, and in some cases the referee's recommendation. There was no law providing for that when the Senator from Kansas was Fourth Assistant Postmaster General. It was merely a rule which he adopted for his own guidance.

Mr. BRISTOW. The Senator from Mississippi should remember that all fourth-class postmasters are now under the civil service. They are appointed upon an examination to determine who is eligible and then a post-office inspector is sent there to select one from the eligibles.

Mr. WILLIAMS. I understand that a presidential decree has placed them under the civil service—that an Executive order has done it. I equally understand that that Executive order can be suspended or set aside by another Executive order. There is just as great authority to uncreate the system as there was to create it. I do not know that I am opposed to this; but it does seem to me there ought to be some clear way of getting at it.

I want to ask the Senator this question: Take my own State, for example, and our system. We have no town or township governments at all. A township with us is simply a geographical designation. Each township has a sixteenth section and they are trustees elected for the sixteenth section. Outside of that, a township has nothing to do with the government of the State of Mississippi. How would this election be held in that State? Each county is divided into five "beats," merely for the purpose of having a justice of the peace and a constable apportioned to each beat, and a member of the police board, the board of supervisors; but there is no continuing election machinery in these townships.

One other word. The territorial limits of the "beats" would by no means coincide with the patronage of the post office.

Mr. BRISTOW. I think I have covered that in my answer to the interrogatories of the Senator from Missouri [Mr. STONE].

The PRESIDENT pro tempore. The Chair will call attention to the fact that Rule XX provides that a point of order shall not be debated unless it is submitted to the Senate.

Mr. BRISTOW. I am ready to have a ruling upon the point of order.

The PRESIDENT pro tempore. If the Senator will permit the Chair to rule, the Chair sustains the point of order as to the part inserted by the committee.

Mr. BOURNE. I ask that the amendment of the committee striking out the proviso be agreed to.

The PRESIDENT pro tempore. Without objection, it is agreed to.

Mr. BOURNE. Mr. President, it is growing late, and I will make a motion that the Senate take a recess now until 8 o'clock this evening, with the expectation that we will be able to finish up the Post Office appropriation bill this evening.

Mr. CLARKE of Arkansas. Do I understand that no other business can be taken up?

Mr. BOURNE. We can make that provision.

Mr. CLARKE of Arkansas. I simply want to understand it. We are to consider no other bill except this one?

Mr. SUTHERLAND and Mr. BORAH addressed the Chair.

The PRESIDENT pro tempore. The Senator from Utah first addressed the Chair.

Mr. SUTHERLAND. Mr. President, I do not want the Senate to take a recess with the understanding that no other business will be taken up except the Post Office appropriation bill. It may be that that will be all we will be able to do; but if any time remains during the evening, I should like to proceed with the consideration of the public buildings bill.

Mr. BORAH. Mr. President, I have a unanimous-consent agreement here which I want to carry out this evening if we can; and I want Senators to know that it is my expectation to do so if it is possible.

Mr. CLARKE of Arkansas. If my suggestion were modified to the extent of including the public buildings bill and the bill submitted by the Senator from Idaho, would that be agreeable to everyone?

Mr. BORAH. It would be agreeable to the Senator from Idaho.

Mr. CLARKE of Arkansas. With that understanding, that is all right.

Mr. SWANSON. Mr. President, do I understand that this agreement includes the bill in which the Senator from Idaho [Mr. BORAH] is interested, and does not interfere with the unanimous-consent agreement? I can not consent to that if it interferes with the unanimous-consent agreement which contemplates a vote on the bill creating a department of labor. If a recess until 8 o'clock and the additional unanimous-consent agreement interfere with the vote on that bill, I shall not consent to it.

The PRESIDENT pro tempore. Does the Senator from Oregon ask unanimous consent or move a recess?

Mr. BOURNE. I move a recess.

The motion was agreed to, and (at 5 o'clock and 55 minutes p. m.) the Senate took a recess until 8 o'clock p. m.

EVENING SESSION.

The Senate reassembled at 8 o'clock p. m., on the expiration of the recess.

POST OFFICE APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the 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.

The PRESIDENT pro tempore. The reading of the bill will be proceeded with, at page 4, line 6.

Mr. GRONNA. Mr. President, this is a very important bill, and I think a quorum should be present. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from North Dakota suggests the absence of a quorum. The roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Curtis	Johnston, Ala.	Smith, Ga.
Borah	Dillingham	Jones	Smith, S. C.
Bourne	Fall	Martin, Va.	Smoot
Brady	Fletcher	Nelson	Sutherland
Bristow	Gallinger	Page	Swanson
Chamberlain	Gardner	Pomerene	Townsend
Clapp	Gore	Sheppard	Works
Cummins	Gronna	Shively	

Mr. ASHURST. I have been requested to state that the Senator from Colorado [Mr. THOMAS] is detained from the Senate by reason of a slight illness, and that my colleague [Mr. SMITH of Arizona] is absent from the Senate on important public business.

The PRESIDENT pro tempore. Thirty-one Senators have answered to their names—not a quorum. The names of the absentees will be called.

The Secretary called the list of absent Senators and Mr. CATRON and Mr. KENYON answered to their names when called.

Mr. BRADLEY and Mr. BANKHEAD entered the Chamber and answered to their names.

The PRESIDENT pro tempore. Thirty-five Senators have answered to their names—not a quorum.

Mr. SMOOT. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDENT pro tempore. The Sergeant at Arms will execute the order of the Senate.

Mr. CRAWFORD, Mr. GUGGENHEIM, Mr. BRYAN, Mr. CLARKE of Arkansas, Mr. KAVANAUGH, Mr. PENROSE, Mr. SIMMONS, Mr. SMITH of Michigan, Mr. POINDEXTER, Mr. LEA, Mr. PAYNTER, Mr. JOHNSON of Maine, and Mr. SMITH of Arizona entered the Chamber and answered to their names.

The PRESIDENT pro tempore. Forty-eight Senators have answered to their names. A quorum of the Senate is present. Without objection, further proceedings under the call will be dispensed with. The Secretary will continue the reading of the bill.

The Secretary resumed the reading of the bill, beginning on page 4, line 6.

The next amendment of the Committee on Post Offices and Post Roads was, on page 4, line 16, after the words "business in," to insert "connection with the postal service of," so as to make the clause read:

For traveling expenses of inspectors without per diem allowance, inspectors in charge, and the chief post-office inspector, and expenses incurred by inspectors not covered by per diem allowance, unusual and extraordinary expenses necessarily incurred for maintenance by inspectors over and above per diem allowance while traveling on official business in connection with the postal service of Alaska, and for the traveling expenses of two clerks performing stenographic and clerical assistance to post-office inspectors in the investigation of important fraud cases, $41,400.

The amendment was agreed to.

The next amendment was, on page 4, line 22, after the word "routes," to strike out "$35,000" and insert "$45,000," so as to make the clause read:

For livery hire incurred by inspectors not covered by their per diem allowance, including livery hire in connection with the installation and inspection of rural routes, $45,000.

The amendment was agreed to.

The next amendment was, on page 5, line 3, after the word "robbers," to strike out "$7,500" and insert "$15,000," so as to make the clause read:

For payment of rewards for the detection, arrest, and conviction of post-office burglars, robbers, and highway mail robbers, $15,000: *Provided*, That of the amount herein appropriated not to exceed $5,000 may be expended, in the discretion of the Postmaster General, for the purpose of securing information concerning violations of the postal laws and for services and information looking toward the apprehension of criminals.

The amendment was agreed to.

The next amendment was, under the subhead "Postal Savings System," on page 5, line 16, after the word "office," to strike out "$100,000" and insert "$149,000," so as to make the clause read:

For blank books, forms, pamphlets, rubber stamps, canceling devices, and postal savings certificates for use in depository offices and banks, postal savings cards and stamps, official postage and stamped envelopes for use in lieu of penalty or franked envelopes, in the transmittal of free mail, authorized by act of June 25, 1910, including those used in the central office, $149,000.

The amendment was agreed to.

The next amendment was, on page 5, line 22, after the word "charges," to strike out "$2,500" and insert "$5,000," so as to make the clause read:

For miscellaneous items, including the purchase of filing cabinets in depository offices not located in Federal buildings, and the expense incident to the shipment of supplies, including the cost of wrapping paper, twine, packing boxes, drayage, freight, and express charges, $5,000.

The amendment was agreed to.

The next amendment was, under the subhead "Office of the First Assistant Postmaster General," on page 6, line 4, after "$30,250,000," to strike out "*Provided*, That no part of this appropriation shall be expended in the payment to postmasters of the first class where any part of the amount of salary has been computed on the sales of parcel-post stamps," so as to make the clause read:

For compensation to postmasters, $30,250,000.

The amendment was agreed to.

The next amendment was, on page 12, line 7, after the word "stations," to strike out "5,480" and insert "2,730"; in line 9, after the word "each," to insert "2,730, at not exceeding $800 each, and 2,750, at not exceeding $720 each: *Provided*, That after June 30, 1913, the salary of the first grade for clerks and carriers shall be $720 instead of $600"; and in line 13, after "$600," to strike out "*Provided*, That after June 30, 1913, the first grade for clerks and carriers shall be abolished and that appointments shall be made to the second grade, salary $800; and that clerks and carriers at first-class offices shall be promoted successively to the fifth grade and clerks and carriers at second-class offices shall be promoted successively to the fourth grade," so as to make the clause read:

Clerks and clerks in charge of stations, 2,730, at not exceeding $800 each, and 2,750, at not exceeding $720 each: *Provided*, That after June 30, 1913, the salary of the first grade for clerks and carriers shall be $720 instead of $600.

Mr. CURTIS. Mr. President, I should like to have the chairman of the committee consent to treat that all as one amendment. I have offered an amendment to strike out and insert, but the object of my amendment really would be accomplished if the amendment recommended by the Senate committee were disagreed to. Therefore, if the Senator from Oregon will consent, I should like a vote on the whole paragraph as one amendment.

Mr. BOURNE. Mr. President, that is perfectly agreeable to me. I should like to say, for the information of the Senate, that the Senate committee believed that the increase in compensation of the clerks from $600 to $720 was ample, and the limitations on the numbers were made to conform to that idea. If the desire of the Senate is to abolish the $600 grade and absorb that in the $800 grade, making a promotion of $200, well and good. Then the Senate will vote for the motion to disagree as made by the Senator from Kansas [Mr. CURTIS]. If, however,

they believe that an increase of $120 is sufficient, they will vote against the motion to disagree and will support the committee.

Mr. CUMMINS. Mr. President, the House provision gives to these employees, as I understand, $800?

Mr. BOURNE. Yes.

Mr. CUMMINS. And advances the $600 grade to $800?

Mr. BOURNE. That is correct.

Mr. CUMMINS. And the Senate committee proposes to reduce a certain portion of them as compared with the House provision to $720?

Mr. BOURNE. The committee amendment, if adopted, would increase the compensation of several thousand of these employees by $120 a year.

Mr. CUMMINS. But the House provision increases the same number.

Mr. BOURNE. Yes; $200.

Mr. CUMMINS. To $800 per year.

Mr. PENROSE. Mr. President——

Mr. CUMMINS. I want to say all that I have to say if the Senator from Kansas will permit me now.

Mr. CURTIS. Certainly.

Mr. CUMMINS. I very earnestly hope that the House provision will be retained in the bill. I do not believe that $800 per year is more than adequate compensation for these men. On the contrary, if I were to criticize it at all, I would insist that the House provision gave these men inadequate compensation. I do not think that the Government ought to ask men who are employed to do the kind of work that these men do to labor for less than $800 per year.

I know that there is a difference of opinion with regard to the standard that we should adopt in fixing pay for Government employees; I know that there are some people who believe that the compensation ought to be fixed with reference to what similar work commands in other employments. I am not one of them.

I believe that the Government ought to pay to all of its employees a compensation that will enable them to live in reasonable comfort and to maintain themselves and their families with reasonable success. I think the general labor of the country is underpaid. I do not believe that the laboring men of this country take their fair share from the accumulated wealth which they produce. I think it is one of the most imperative duties of Congress to so adjust our laws that these laboring men may advance their compensation; but until we succeed, if we ever do succeed, in giving the laboring people of this country a better opportunity in the struggle of life, it is a false notion that we shall measure the compensation that we pay as a Government to these men by the underpay that is taken by the employees in the general battle of life.

Mr. BRISTOW. Mr. President——

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

Mr. CUMMINS. I do, although I hold the floor at the pleasure of the senior Senator from Kansas [Mr. CURTIS].

Mr. BRISTOW. Mr. President——

The PRESIDENT pro tempore. Does the senior Senator from Kansas yield to his colleague?

Mr. CUMMINS. I yield, however, if I may be permitted to do so.

Mr. CURTIS. I yield.

Mr. BRISTOW. I should like to suggest to the Senator from Iowa [Mr. CUMMINS] that he is proposing to tax the man who is receiving less than $800 a year in order to get money to pay these men more.

I would like to call the Senator's attention to the fact that the very men who, he says, are now paid inadequately outside of the Government service are the men upon whom he imposes a tax to pay the men in the Government service more than the man outside is getting. I myself can not concur in any such policy.

Mr. CUMMINS. There is some truth in what the Senator from Kansas has just said. It is, however, only a partial truth. In so far as the men who are underpaid do contribute to the revenues of the Government, the statement of the Senator from Kansas is correct. However, that does not justify the Government itself in fixing a false standard of compensation. It ought to incite the Government to every possible effort to increase the pay of the men who really do create and earn the wealth of our country.

Mr. BORAH. Mr. President——

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

Mr. BORAH. I desire to ask what kind of service the employees, about whom we are now talking, perform. What is the particular service which they do?

Mr. CUMMINS. They are clerks in the post office.

Mr. CURTIS. Postal carriers.

Mr. CUMMINS. Clerks in charge of stations.

Mr. BOURNE. And stenographers.

Mr. CUMMINS. Clerks, and clerks in charge of stations—2,730 at not exceeding $800 each, and 2,750 at not exceeding $720 each.

Mr. SMOOT. The great majority of them, however, are letter carriers.

Mr. CUMMINS. I think that is true. They are somewhat divided.

Mr. BORAH. What is the average earning per annum of the man who labors in this country?

Mr. CUMMINS. If the Senator from Idaho is asking me that question, I can not answer it with absolute accuracy; but my recollection is that the average wage of laborers in the United States is not quite $500 per year.

Mr. POMERENE. Mr. President——

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

Mr. CUMMINS. I yield.

Mr. POMERENE. Here in the city of Washington last year we raised the wages of street cleaners to $2 a day. I had some part in making that raise, and I am glad they have it. They are not getting too much——

Mr. WORKS. Mr. President——

Mr. POMERENE. Just one moment—but it does seem to me that the men who are employed in the responsible position of clerks ought to get more than $600 a year. If they can not earn more than $600 a year, they ought not to be in the service. I do not feel that it is right to have men who are required to have a considerable degree of intelligence to work for this Government at anything like a salary of $600 a year.

Mr. WORKS. Mr. President——

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

Mr. CURTIS. I do.

Mr. WORKS. I should like to ask the Senator from Ohio if he knows that our good intentions in raising the wages of the laboring men in Washington was a failure, and that they have never received the increased wages?

Mr. POMERENE. Mr. President, I did not know that; and if that is true, I am very sorry for it. I know that in this Chamber we did what we could to raise their wages to $2 a day.

Mr. WORKS. I happen to know that, because I myself offered the amendment, but I afterwards learned that they were not paid. I again offered the same amendment, and it was adopted a few days ago. I hope we shall have better success in the future.

Mr. POMERENE. I think Congress owes an apology, then, to these laborers.

Mr. CUMMINS. May I give a moment's more attention to the thought suggested by the Senator from Kansas? It is well worthy of consideration. We might as well face that proposition now. If we are to adjust the salaries or compensation of Government employees according to the underpaid, admittedly underpaid, general labor of the country then this whole bill is manifestly wrong, because there are hundreds of salaries here reported by the committee that are vastly above the standard that would be set up by that comparison.

We are doing the best we can here, and I think we ought to do a great deal more for equalizing the wealth of this country. There are many ways in which we might do it if we would give more attention to the subject, as I think we ought to. Meanwhile, we ought to give to our employees enough to live upon, enough to take care of their families in a meager way.

There is not a Senator here who does not know that $720 a year will not support a man with his family, living as the men who do this work must live, in order to maintain themselves in the society of which they are a part. I hope very earnestly that we will retain the House provision, and not limit this compensation as suggested by the Senate committee.

I have said this with very great reluctance. I have the very greatest confidence in this committee, in its chairman, and in its members. I know they have bestowed upon this work a high measure of fidelity, and not only fidelity but a great measure of intelligence as well. I do not know whether there are other instances in which they have reduced the salaries proposed by the House, but I can not think they have in many instances. I assure the chairman of the committee and its members that it is with no disrespect whatever toward them that I have said what I have, in the hope that the amendment may be rejected and the House provision preserved.

Mr. ASHURST and Mr. SMOOT addressed the Chair.

The PRESIDENT pro tempore. The Chair will inquire of the Senator from Kansas if he still desires to retain the floor?

Mr. CURTIS. I do.

The PRESIDENT pro tempore. Does the Senator yield, and to whom?

Mr. CURTIS. I yield to the Senator from Utah.

Mr. SMOOT. Mr. President, I will ask the Senator from Iowa if he believes that all the clerks provided for in the House bill should receive the same salary? I ask that because of the fact that in the past the clerks and carriers of a first-class office have always received a higher salary than the clerks and carriers of a second-class office.

Mr. CUMMINS. I am not competent to answer the question propounded by the Senator from Utah. I have no doubt that if perfect justice were done some of these clerks should be paid higher salaries than others. The House provision, as I understand, abolishes the first grade and starts them all in on their way to promotion upon a grade ahead of the $600 grade, or the first grade. I do not insist that they are all entitled to exactly the same compensation, but I do insist that no one of them should receive less than $800 per annum.

Mr. SMOOT. Mr. President, I am rather in sympathy with that view—that they should all receive an increase. I sympathize with that position. But I myself am not sufficiently familiar with the matter to say whether all of the carriers and clerks in first-class post offices should receive the same identical salary that clerks and carriers of second-class post offices receive, or vice versa. I have always understood that the clerks and carriers of a first-class post office had more responsibility and a rather larger field of labor to attend to than those of a second-class office, but really, as I say, I am not sufficiently familiar with the matter to say whether that is so or not.

Mr. CUMMINS. I do not think that is well founded, probably; but I do not know. I think in a great many instances the fourth-class postmaster himself does a very large part of the work.

Mr. SMOOT. This does not apply to fourth-class postmasters; it applies only to the carriers and the clerks.

Mr. CUMMINS. I understand that perfectly, but I thought the Senator from Utah referred to the clerks of the fourth-class offices.

Mr. SMOOT. Oh, no; I was comparing the clerks and letter carriers of the first-class offices with those of the second-class offices.

Mr. CUMMINS. I am not sufficiently familiar with the subject to say which ought to have the larger salary. I have no doubt that, taking the whole 7,000 or 15,000 here, many men of superior skill and merit could be found who are entitled to a larger salary than some of their less efficient fellows. But there has been no effort to grade them in that way, according to their real efficiency; and I put my objection to the Senate amendment upon the ground that $800 ought to be the minimum compensation.

Mr. ASHURST. Mr. President——

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

Mr. CURTIS. I do.

Mr. ASHURST. Mr. President, I shall support the amendment which has for its purpose the reinstatement of the House provision.

As the Senator from Iowa [Mr. CUMMINS] said when he concluded and took his seat, I also feel that any working person supporting a family in any department of life in the United States to-day who is paid a salary of less than $800 per year is inadequately paid. There was recently made an investigation into the condition of a large number of workingmen. A searching analysis was made and 2,567 cases were examined. It was ascertained that in order for a workingman and his family to exist as becomes human beings it was necessary for him to expend for food, rent, clothing, and the other actual necessaries of life, the sum of $768.54. That sum purchased only the barest actual necessaries of life; which left him no money whatever for books, no money for theater tickets, no money for flowers, no money to lay aside for the ever-dreaded rainy day; no money to purchase any of the things which add to the comforts of life.

Hence with pleasure I shall support the amendment to reinstate the House provision so that these men shall receive, not $720 per annum, but $800 per annum. Economy is a noble virtue, but should not be carried to the extent of paying less than a living wage to those who must depend wholly upon their labor for a subsistence.

Mr. CURTIS. Mr. President, I simply want to say, in conclusion, that it should be remembered by the Senate that these men are not appointed until after they have served in many cases three and four years as substitutes. That ought to weigh with the Senate. Further, Senators should remember the fact that the Postmaster General, under whom these men work, recommended this increase in his estimate to the House and the Senate; and not only that, but in his annual report, on page 12, he says:

> Under the present law the initial salary for clerks and carriers is $600 per annum. Taking into consideration the long period of substitute service and the high cost of living, it is believed that this salary ought to be increased from $600 to $800.

With this statement I hope the Senate will vote down the committee amendment and allow the House provision to remain.

Mr. BANKHEAD. Mr. President, the committee gave as much consideration to this item as to any other in the bill. I do not believe there is a member of the committee who is not in favor of adequate salaries and higher salaries if it were possible that that could be done. But it must be remembered that all these clerks are promoted every year automatically. Under the provisions of the bill this class receives $720 and next year they will receive $820, and in three years they will be getting a thousand dollars.

The committee were of the opinion, and in that opinion the Post Office Department concurred, that a better service would be rendered and perhaps a better class of men would be admitted, and that owing to the fact that there would be greater rivalry for promotions by coming in automatically it would be better for the employees in the end and for the Government, if instead of paying all these appointees $800 annually they were divided into two classes, paying one $700, which is an increase of $120 over the present salary, than to put them all into one class and pay them $800.

For that reason the committee thought it best not to adopt the House provision putting all these employees into one class and paying them $800 per year, but to divide them and to pay one class $700, with the knowledge every year that they would be promoted and $100 would be added to their salaries. We thought that would be the best arrangement for the employees in the end. That is the reason why the committee adopted it.

Mr. WORKS. Mr. President, I am sorry to disagree with the conclusions reached by the committee. I have no doubt that the committee has done its work conscientiously, but I am utterly opposed to the payment of so small a wage by the United States Government for services of this kind.

I object seriously to the Government taking as an example the wages that are paid by corporations. Instead of following their example and paying starvation wages to employees the Government should set an example of paying fair wages. We may come to the time directly when a minimum wage will have to be fixed for corporations and for their employees. I think we are fast coming to that time, because the idea is absolutely abhorrent to me of an American citizen having to live upon such wages as it is said here is the average wage paid to employees in this country. I think it is high time the Government of the United States should be setting an example in the payment of reasonable wages.

Mr. BRISTOW. Mr. President, I desire to say in behalf of the committee amendment that heretofore the initial wage or salary of the clerks and carriers has been $600. There is a promotion of $100 a year each year until the amount of $1,100 is reached, and that becomes the salary of the clerk after four years' service. The clerks who are appointed are as a rule young men and women who do not have families to support, as has been alleged here, but they come out of the high schools and take the examination and get upon the eligible list. In some of the cities there are large waiting lists. The eligible list is crowded with people desiring to get into this service, because it is a better job than they can get outside of the Government service. Indeed it is regarded as a very desirable position to be near the head of the eligible list for one of these appointments. That has been the case with the compensation of $600 for the first year. The committee amendment proposes to increase that from $600 to $720, so that the new appointees will start in at $720 and receive the annual promotion until at the end of four years they will receive $1,100.

I know when it comes to voting the Government money away, money that is secured by taxing people and from the working people, working for the low wages that have been referred to here, Congress does it with a lavish hand and with very little thought. We go over the country and preach economy, but when we get inside the Senate Chamber we do not carry it out by our votes. We attack the system of taxation that is imposed throughout the country and say that it is resting as a great burden upon the people, and we denounce extravagance, but we will heap up the taxes and make the burden harder on the man who is outside the Government service in order to pay men who are inside of it better wages than they can possibly get outside.

It is not a popular thing to stand up here and take the side of the question that I am now speaking upon, but it is the right one from the standpoint of equity and justice to the average American citizen who works with his hands for his living. If the Senate of the United States wants to fix a minimum wage of $720 a year for every man who is eligible for these appointments, regardless of the employment that he may receive, then I will meet any Senator here upon a proposition of that kind. But I am not going to vote to make special favorites of Government employees at the expense of the men who do not have an opportunity to earn that much money and who do harder and more disagreeable work.

Mr. CURTIS. May I ask the Senator a question?

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

Mr. BRISTOW. I am very glad to yield.

Mr. CURTIS. Has the Senator always entertained this idea about the payment of high wages to Government employees?

Mr. BRISTOW. I have entertained the ideas I am expressing now.

Mr. KENYON. Mr. President——

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

Mr. BRISTOW. Certainly.

Mr. KENYON. Messengers to Senators and Members have very little to do and they are paid a great deal higher wages than these employees.

Mr. BRISTOW. Certainly.

Mr. KENYON. We tax the outside man to pay these high wages to messengers and clerks here.

Mr. BRISTOW. I ask the Senator if he asks my vote to tax people outside for especially high wages?

Mr. KENYON. I sympathize with the Senator's statement as to economy. We preach economy before an election, but we do not generally practice it when we get here.

I do not want to see the economy practiced on the man who toils. Let us practice it on something else. Here was a bill before us this afternoon, and at the conclusion of the discussion $1,800,000, after the warfare between the two Senators from Washington, was put on the bill. Why not practice economy in something of that kind instead of on these men who toil?

Mr. JONES. I wish to suggest that that was the very highest economy.

Mr. KENYON. The highest economy?

Mr. JONES. Yes.

Mr. KENYON. I was glad to see the two Senators compromise.

Mr. SMITH of Georgia. Mr. President——

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

Mr. BRISTOW. I do.

Mr. SMITH of Georgia. I wish to ask the Senator from Iowa if it is not true that practically all the persons who are serving as messengers in connection with the senatorial service serve as clerks and many of them as stenographers?

Mr. KENYON. I think it is the case now. I do not know how it will be after March 4.

Mr. SMITH of Georgia. The messengers really do clerical work and stenographic work in many cases.

Mr. KENYON. I think that is true, but the work is not comparable to the work these men do, in my judgment.

Mr. BRISTOW. I desire to correct the Senator from Iowa. A messenger, as has been stated by the Senator from Georgia, is a stenographer, and he must be a man of high intelligence if he does his work well. He is not paid any more and not as much as the employees in the postal service receive, who do that grade of work. It is certainly a well-established fact that experience counts in employment. These men and women start in as inexperienced clerks at a salary of $60 a month, and they get a promotion every year until the salary amounts to $1,100. Then the promotions are not annual; they come as vacancies occur.

Mr. KENYON. Ah, but it is true that these men serve an apprenticeship of one or two years, is it not, before they receive a regular appointment, and they receive but $700 a year during that time?

Mr. BRISTOW. No; they are paid as substitutes.

Mr. KENYON. When they work they are paid as substitutes, and they have to wait around.

Mr. BORAH. Mr. President——

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

Mr. BRISTOW. I do.

Mr. BORAH. I do not desire to shorten this discussion, but I simply want to suggest to the Senate that I have a bill pending here in which several thousand people are interested who receive less than $500 a year. I have only about two hours and a little over to pass that bill. I should like to pass it this evening, if we can.

Mr. BRISTOW. I do not intend to unnecessarily take the time of the Senate, but I have stated what I had to say in defense of the committee's amendment because I believe it is right. I believe that in making appropriations here we should consider two things—the man who pays the bill and the man who receives the salary. I think that the Senator from Iowa stated that the average compensation of the laboring man in this country is less than $500 a year.

Mr. KENYON. I should like to ask the Senator from Kansas if that is a decent condition of living?

Mr. BRISTOW. No; of course it is not.

Mr. KENYON. Then why not let the Government set the example of decent living?

Mr. BRISTOW. And tax the man who is getting $500 to make it up. The proposition here is to do that; instead of helping the laboring man you are putting an additional burden on his back.

Mr. CUMMINS. Mr. President——

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

Mr. BRISTOW. I do.

Mr. CUMMINS. May I ask the Senator this question?

Mr. BRISTOW. I shall be very glad to answer it if I can.

Mr. CUMMINS. Upon the principle that has been announced by the Senator from Kansas and having reference to the facts which nobody disputes, how does he justify the advance from $600 to $720?

Mr. BRISTOW. I might answer that question by asking the Senator how he justifies himself in making the salary $800 instead of $1,100.

Mr. CUMMINS. No; I have adopted another standard. The Senator from Kansas has adopted the standard of the average wage throughout the country. I deplore the situation which requires any man to work for $500 a year, but I do not accept that as a sufficient reason for making a Government employee work for $500 a year. In that respect I am not subject to the same suggestion. I think $800 a year is as little as a man can live upon.

Mr. BRISTOW. How do a majority of the people who labor in this country live on $500?

Mr. CUMMINS. I think a full answer to that question would be to paint a picture that no American citizen wants to look upon.

Mr. BRISTOW. I will meet any Senator on this floor in any kind of legislation that will force an increase in the payment of the wages of the men who work at these miserable wages. I do not believe that the man who labors gets sufficient compensation for his work, but the proposition of the Senator does not help him; it places a still greater burden upon him.

Mr. KENYON. Mr. President——

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

Mr. BRISTOW. Certainly.

Mr. KENYON. I wish to supplement the answer of my colleague by saying that these men and their families do not live; they merely exist.

Mr. CURTIS. Mr. President——

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

Mr. BRISTOW. I do.

Mr. CURTIS. I wish to suggest to my colleague an excellent place to begin by raising the pay of these deserving clerks and carriers from $600 to $800 if you are going to increase salaries.

Mr. BRISTOW. And in order to get the money to do it you are taxing the laboring man who receives much less than that amount; you are not helping him.

Mr. CURTIS. Not necessarily. If my colleague will submit some suggestion here that will help the man who gets but $500 I will join with him in any effort he makes. I have been working for 20 years for a policy that would give labor employment in this country, and I have seen their wages increase, and I hope they will continue to increase.

Mr. SMITH of Georgia. Mr. President——

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

Mr. BRISTOW. I yield.

Mr. SMITH of Georgia. I think there is a vast number of small farmers who do not get anything like the sum the Senator indicates.

Mr. BRISTOW. There are thousands and thousands of them.

Mr. SMITH of Georgia. How would you undertake to reach them and take care of them? By the wage scale you are putting the limit at $800.

Mr. BRISTOW. I do not know, but I will join any Senator, and be delighted to join any Senator, in a system of legislation that will increase the compensation of the man who has to work for his living day by day; but I am not going to vote upon him a tax to give men in the Government service a much higher wage than he can possibly earn outside.

Mr. GRONNA. Mr. President——

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

Mr. BRISTOW. I do.

Mr. GRONNA. May I ask the Senator from Kansas what is the average pay that the rural carriers get?

Mr. BRISTOW. Eleven hundred dollars a year.

Mr. GRONNA. How does that compare with the pay that these people get? Do not the rural carriers have to furnish their teams?

Mr. BRISTOW. The rural carrier is not paid so much as these carriers and clerks are after they arrive at the term of the standard wage.

Mr. BORAH. Has the Post Office Department any trouble in filling these positions?

Mr. BRISTOW. Not at all.

Mr. GRONNA. It is true, is it not, that the Post Office Department does have trouble in getting people, so far as it applies to rural carriers?

Mr. BRISTOW. Oh, no.

Mr. GRONNA. It has been the case in my State.

Mr. BRISTOW. That may be in some sections of the country, where horses are high and horse feed is high, but as a rule there is no difficulty in securing rural carriers.

Mr. GRONNA. I stated on the floor of the Senate a year ago that the farmers in my State and in my part of the country have to pay rural carriers additional in order to get service.

Mr. BRISTOW. That is not a usual condition; it would be an unusual condition. I know how disagreeable it is to stand up and resist increase in salaries. I know the enemies a man makes in public life when he does that. I have had some experience in that line. But to start these employees in when they are young men and women just out of high school at $60 a month—$10 a month more than such employees have heretofore received—and then let them have the advantage of the promotion they will get for four years—$80 for the first year and then $100 for each additional year—makes these positions very desirable. The Government has no trouble and will have no trouble in securing employees. In some of the large cities there has been complaint that $50 did not offer a sufficient inducement to bright and capable young people when they start out to make their own living to seek these places, and it was believed by the department that an increase would help in those places. But there are only a few places where there has been any trouble.

Mr. SMITH of Georgia. I should like to make one other suggestion to the Senator, if he will allow me. Is it not true that nearly all of these places the first year are filled with young men and young women just out of high school, and that they have no families, and do the salaries not increase after the first year?

Mr. BRISTOW. Yes; they got a promotion every year for five years under the old system. It will be every year for four years now. That was the view presented to the committee.

Mr. CUMMINS. That may be true generally. I have no personal knowledge outside of my own city, but it is not true there that the substitute carriers are young men just out of high school. I do not know their average age, but it can not be said that these men who go into the service are young men just out of high school, so far as my own city is concerned; it may be true elsewhere. There is an age limit that precludes the entering of an old man into the Government service, and therefore they are young men; but I venture to say that three-fourths of the men who go into the service in my own town as carriers are married men. That probably is not true of young women, if there are any. I do not know that there are very many who get into the service as clerks.

Mr. BRISTOW. Is not that evidence that this is a very desirable service to get into?

Mr. CUMMINS. Of course it is a desirable service. I venture to say if you will cut down all of the salaries in the United States, including those of Members of Congress one-half, there would be no difficulty in filling the places. But that to me is no standard for fixing compensation.

Mr. CURTIS. Mr. President——

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

Mr. BRISTOW. I do.

Mr. CURTIS. I wish to state again that these men are not appointed to these regular places until after they have served three and four years in many cases as substitutes; and while they are working as substitutes in the larger cities their salary is $40 and smaller, even $15 a month; and all the time they are on the substitute roll they must study the districts and prepare themselves to fill the regular places when they are appointed. Those men prepare themselves for these places.

Mr. BRISTOW. I wish to say to my colleague that a substitute gets the pay of the lower grade for the time that he works. He gets $600 a year for the time that he works, under the old system. If the Senate amendment is adopted, he will get at the rate of $720 for the time that he works. When he is not employed at this service he has other employment.

Mr. CURTIS. That is true while he is working, but he gets very little work during the year. The average will not amount to more than the sum I gave a moment ago, and he must prepare himself all the time and must be ready for call.

The PRESIDENT pro tempore. The question is on the amendment reported by the committee.

Mr. TOWNSEND. Mr. President, there are two or three, possibly four, items in the bill as to which I was not in accord with the committee, and so suggested at the time it considered this bill. This was one of them. I know that great and painstaking care was taken by all the members of the committee, and I think a conscientious conclusion was arrived at by the majority, but I have other reasons than those that have been given for advocating a salary of $800 for the lowest salaried clerks. I am willing to carry the illustration, as the Senator from Kansas has done, to outside labor, if also I may be permitted to carry it to employers outside.

I have always noticed that the successful business man, the man who does things, realizes the worth of men, and the wise one generally pays a good wage to the man who can do his work well. I think the Government will get better service by paying adequate salaries, notwithstanding the fact, as stated by the senior Senator from Iowa [Mr. CUMMINS], that we might get a sufficient number of men at half the salary now paid than it would if the low wage was adopted. I do not believe that if we could get men enough at half the salary that we could get the men who are best fitted for doing the work of the Government. I do know it is a fact, notwithstanding the statement of some of the officers of the Post Office Department to the contrary, that that department has had difficulty in many places in this country in getting proper substitute clerks to enter the service of the Government.

Mr. CUMMINS. I did not make the statement quite as stated by the Senator from Michigan. I said you could get men who would take these places. I did not say you could get a class or type as efficient as you now get.

Mr. TOWNSEND. I believe it is a good policy, regardless of wages for outside employment, for this Government to pay good wages to its employees. I think the way to begin economy in the Government is to get rid of the useless employees of the Government. If we could do that; if we could eliminate the great numbers of useless men and women who are in the employment of the Government and practically pay the same amount in the aggregate to those who remain that we now do, I have no doubt that a real economy by way of better service to the Government would be secured. So I have felt in regard to this item that it was our duty not only to raise this class of clerks, the $600 grade, to the $800 class, but I have also felt that we would at the same time benefit the substitutes. They would get better pay. It is not only true that these substitutes have to prepare themselves, but they have to report for duty. Those men have to be on hand; they have to report daily for service, and, therefore, can not engage in other certain and fixed employment outside, and they serve an apprenticeship for from three to four years.

Mr. BRISTOW. Mr. President——

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

Mr. TOWNSEND. I yield.

Mr. BRISTOW. I should like if the Senator from Michigan would suggest a means by which these useless employees of which he speaks may be gotten rid of. It is all right to get up and say that there are so many thousand useless employees here, but we have got the responsibility of legislation. Let us have a suggestion by which they can be eliminated and let us go to work and get rid of them if there are thousands of them that are not needed. I do not accede to that myself.

Mr. POMERENE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Michigan yield to the Senator from Ohio?

Mr. TOWNSEND. I do.

Mr. POMERENE. I will give this information for what it is worth. It came to me from a responsible employee in one of the departments. In a certain bureau of this Government there are 57 men employed on large salaries. Out of the 57 men, 7 of them are timekeepers for the other 50.

Mr. BRISTOW. I think the Senator from Ohio [Mr. POMERENE] owes it to the Senate to state the bureau from which he obtained the information, so that an investigation may be had as to the facts.

Mr. POMERENE. I tried to get my informant to give me that information, but he would not give it to me at the time. If, however, I remain here very long, permit me to suggest that I propose to see what is in it, and I shall be glad to join hands with the Senator from Kansas upon that proposition.

Mr. BRISTOW. I make the prediction that the Senator will find that if that had been true his informant would not have hesitated to give him the place where he could have verified the truthfulness of the statement.

Mr. POMERENE. Permit me to suggest to the Senator that my informant is a very reputable man and a member of the Senator's own party.

Mr. BRISTOW. I care nothing for that; I care nothing for "the Senator's own party." If the Senator from Ohio will be as independent of the party lash as I have been since I have been in the Senate, I think the Senator will serve his country well. I hope I can make this statement without taking any undue credit to myself.

Mr. POMERENE. Mr. President——

The PRESIDENT pro tempore. Senators will get permission to interrupt. Does the Senator yield further?

Mr. POMERENE. I have been able to assert my independence on different occasions, and I hope so long as I remain here to continue in that respect.

Mr. BRISTOW. I hope the Senator will, and we shall have a test of that in the next two or three years.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Michigan yield?

Mr. BORAH. I thought that the Senator from Michigan had concluded. I do not want to take the Senator off the floor.

Mr. TOWNSEND. I did not have time or opportunity to answer the junior Senator from Kansas when he asked if I would make some suggestion as to how economy could be practiced in the employment of Government help. I have not a ready-made remedy; I have some ideas, and have had for some little time, upon this question. I go into some of the departments here, and I find some superannuated people—a great many of them. I know there are men and women in the employ of the Government whose services are of absolutely no value to it, but, on the contrary, they are really a hindrance to its work.

I am not prepared to say that we can over night discharge those people. I know what a difficult matter it is for their chiefs to handle this particular problem; but something has got to be done along that line. There are other lines that we should investigate, in our efforts at economy, and we should bear in mind that service is what is required, and a proper wage is a requisite to good service. The cutting of wages or the keeping down below the reasonable standard of salaries is an unwise thing to do if we want the business of Government well done. I believe the clerks and substitute clerks are capable people; I believe they are some of the Government's best men and women, and while they seek this employment, just as we seek positions in Congress, they have a right to expect that they shall be properly paid. Therefore I feel that the House provision should be adopted. I so felt when this matter was considered by the committee, and I am still of the same opinion.

Mr. BORAH. Mr. President, I want to ask the Senator in charge of the bill if he would not be willing to lay the bill aside for the rest of the evening? I secured a unanimous-consent agreement in reference to a matter in which I am very much interested, and, while I understand, of course, that the unanimous consent granted for the consideration of the bill which I have in mind provides that it is not to interfere with appropriation bills, I should like, if the Senator could see his way clear to do so, to have the pending bill put aside until we could dispose of the bill to which I refer. I think we can do so in a couple of hours.

Mr. BOURNE. I ask the Senator from Idaho if it would not be perfectly agreeable to him if we take a vote on the motion of the Senator from Kansas now before the Senate, so that we can dispose of that, and then I will be very glad to have the bill go over.

Mr. BORAH. If it is ready for a vote, very well; but I had an idea that perhaps the debate would continue in view of the wide range it has taken.

Mr. CURTIS. Mr. President, I am very anxious to have a vote on this amendment to-night, because I have two conference committees to attend to-morrow, and it will be impossible for me to be here to look after the amendment. I should therefore like to have a vote on the amendment to-night if it can be obtained.

Mr. BORAH. If there is to be no more debate on the amendment, I shall be very glad to see it disposed of.

Mr. GRONNA. I desire to say to the Senator from Idaho that I wish to make some remarks on this particular amendment.

Mr. BORAH. Then I should like to ask the Senator from Oregon to lay the bill aside for to-night and permit me to go on with the other matter.

Mr. BOURNE. I did not hear what the Senator from North Dakota said.

Mr. BORAH. I presume the Senator from North Dakota would just as soon make his remarks to-morrow.

Mr. GRONNA. Perhaps the Senator from Idaho would just as soon make his remarks to-morrow. My statement was, I will say to the Senator from Oregon, that I intend to make some remarks on this particular amendment while it is pending. Of course it is not important to the Senate and may not be important to me, but I thought perhaps——

Mr. BORAH. Of course I am not seeking to take the Senator off the floor. I know that he is acting in good faith.

Mr. GRONNA. Mr. President, I do not intend unnecessarily to delay the Senate from voting upon this bill. The amendment now pending is, however, a very important one. As the Senator from Kansas [Mr. BRISTOW] has well stated, the average pay received by laborers all over the United States, outside of the Government service, for the labor which they perform is far less than $720 per year. I do not mean to say that $720 or $800 or a thousand dollars is too much for those who perform labor. I believe that they are all entitled to better pay; but we must take conditions as they are. I do not see how we can consistently and with even-handed justice take money out of the Treasury of the United States for this purpose at the expense of the public, of course.

Mr. President, I wish it were possible to pay every laborer in the Government service more than we are paying to-day. I wish it were possible, sir, that all laborers in this great country could receive better pay for their services. This is one of the most important questions that this country has to face, and the time will come when we must face it honestly, and not by indirection.

I would be the last one to ask that the pay of laborers should be reduced, provided conditions are such that it is possible to increase their pay. But we gather a certain amount of revenue; we raise certain sums of money and deposit them in the Treasury of the United States, and, even if we were willing in this bill to provide for a higher wage scale, it may not be possible for us to do so.

I said a moment ago that the rural carriers of this country were receiving on an average, where daily service is performed, less than $1,100 per year. I believe that those who are familiar with the service that those men have to perform will agree with me that they are the lowest paid employees in the service of the Government. They receive $1,100 per year, not merely for their own service, but for their equipment as well. In the western country, where the routes are from 25 to 35 miles in length, it will take the entire day to make the trip. The carriers are required to have for their use not less than two and sometimes four horses; they must have a wagon and a sleigh; they have to buy their harness, furnish feed for their horses, and all this for the small amount of $1,100 per year. Those men are married men, men with families, the same as the men who are living in the cities.

Mr. President, if it were possible to appropriate to these men more money than they are now receiving, I should be very glad to support such a proposition, but we have to make some comparison; we have to draw the line somewhere. It is true of this service as it is of the same character of service that is being performed by the laboring men, that those who perform the hardest labor always receive the smallest pay. I trust the time will come when labor in this country will, in their own right, demand and receive a great deal more than they are receiving to-day.

I believe the Senator from Kansas [Mr. BRISTOW] has well stated the proposition. It is an easy matter to vote for large appropriations of the people's money, and it is probably a popular thing to do, but we must not forget that we are here as servants of the people to guard the people's money. We are here to act, not for ourselves, but for the people of this great coun-

try; and until the time shall come that we can appropriate more money to all these people, unskilled as well as skilled labor; until the time comes that those who are engaged in the industries of this country can be paid higher wages—and I express the hope that the time will come—we must draw the line somewhere.

Mr. GUGGENHEIM. Mr. President——

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

Mr. GRONNA. I yield to the Senator.

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

The PRESIDENT pro tempore. The Senator from Colorado suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Crawford	Jones	Shively
Bankhead	Cummins	Kavanaugh	Simmons
Borah	Curtis	Kenyon	Smith, Ariz.
Bourne	Dillingham	La Follette	Smith, Ga.
Bradley	Fall	Lea	Smith, Mich.
Bristow	Gallinger	Martin, Va.	Smoot
Brown	Gamble	Myers	Stone
Bryan	Gardner	Page	Sutherland
Catron	Gore	Penrose	Swanson
Chamberlain	Guggenheim	Poindexter	Townsend
Clapp	Johnson, Me.	Pomerene	Williams
Clarke, Ark.	Johnston, Ala.	Sheppard	Works

The PRESIDENT pro tempore. Forty-eight Senators have answered to their names. A quorum of the Senate is present.

Mr. GRONNA. Mr. President, this is one of the most important measures we have had before Congress this session. I believe every provision that affects labor is entitled to the most careful consideration. I do not wish to state authoritatively, but if my recollection serves me right the average pay of laborers in this country, outside of those who are in the Government service, is between three and four hundred dollars per year. Those very conditions are confronting the American people. If the question could be settled by simply increasing the wage scale, it would be an easy matter to dispose of it; but it enters into the question of the high cost of living. We can not appropriate large sums of money without taxing the American people. If it were possible to tax those who can best afford to bear the burden, no one would be more willing than I to do so.

I am not a member of this committee. I have not gone into the details of this particular item; but I have heard the argument made by the Senator from Kansas [Mr. BRISTOW], and I believe his statement is logical. I am sure this committee has tried to do justice to all those who are in the employ of the Government. It is not a question alone of raising the salaries of these particular men; the question is, What are we able to do for all these people?

If it were possible to take from those who receive higher wages, myself included—if a proposition of that kind were made, to take from those who receive higher salaries and give to those who receive lower salaries—I should vote for it. But that is not the question here. The question is, Can we, under existing circumstances, increase the pay of the men who are doing this particular work any more than it has been increased by this committee?

Mr. President, I do not intend to delay the Senate further upon this particular question, as there are several items in the bill upon which I want to be heard. There are many provisions in the bill which are of the greatest importance not only to the laboring men but to the people of the entire country. It is a bill that carries $285,000,000, and I believe it should be given the most careful consideration.

I have not had time to look into all the provisions of the bill as carefully as I would like to do. I had hoped that we would have time at least until to-morrow to consider the most important features of this bill, but I understand that the chairman of the committee is anxious to have it passed before we adjourn.

Mr. President, I shall not delay the Senate any longer upon this item of the bill, because, as I said, I shall ask to be heard later on.

The PRESIDENT pro tempore. The question is on agreeing to the first amendment reported by the committee, on page 12, which will be stated.

The SECRETARY. On page 12, lines 7 and 8, strike out "5,480" and insert "2,730," so as to read:

Clerks and clerks in charge of stations, 2,730, at not exceeding $800 each.

Mr. CURTIS. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

The PRESIDENT pro tempore (when Mr. GALLINGER'S name was called). I am paired with the junior Senator from New York [Mr. O'GORMAN].

Mr. SMITH of Michigan (when his name was called). I desire to transfer my pair with the junior Senator from Missouri [Mr. REED] to the Senator from Ohio [Mr. BURTON] and vote. I vote "nay."

The roll call was concluded.

Mr. CHAMBERLAIN. I have a pair with the junior Senator from Pennsylvania [Mr. OLIVER]. I transfer that pair to the junior Senator from Colorado [Mr. THOMAS] and vote. I vote "nay."

Mr. NELSON (after having voted in the negative). I voted through a mistake. I have a general pair with the senior Senator from Georgia [Mr. BACON]. I withdraw my vote on that account.

Mr. STONE. I have a general pair with the Senator from Wyoming [Mr. CLARK]. He does not seem to be present, and I withhold my vote.

Mr. SMITH of South Carolina. I have a general pair with the junior Senator from Delaware [Mr. RICHARDSON]. I should like to know if that Senator has voted.

The PRESIDENT pro tempore. The Chair is informed that that Senator has not voted.

Mr. SMITH of South Carolina. Then I withhold my vote.

The result was announced—yeas 17, nays 31, as follows:

YEAS—17.

Bankhead	Bryan	Kavanaugh	Sutherland
Borah	Catron	Lea	Swanson
Bourne	Gore	Martin, Va.	
Brady	Gronna	Smith, Ga.	
Bristow	Johnston, Ala.	Smoot	

NAYS—31.

Ashurst	Fall	Page	Shively
Bradley	Gardner	Paynter	Simmons
Brown	Guggenheim	Penrose	Smith, Ariz.
Chamberlain	Johnson, Me.	Percy	Smith, Mich.
Clapp	Jones	Pittman	Townsend
Crawford	Kenyon	Poindexter	Williams
Cummins	La Follette	Pomerene	Works
Curtis	Myers	Sheppard	

NOT VOTING—47.

Bacon	Dixon	McLean	Smith, Md.
Brandegee	du Pont	Martine, N. J.	Smith, S. C.
Briggs	Fletcher	Nelson	Stephenson
Burnham	Foster	Newlands	Stone
Burton	Gallinger	O'Gorman	Thomas
Chilton	Gamble	Oliver	Thornton
Clark, Wyo.	Hitchcock	Overman	Tillman
Clarke, Ark.	Jackson	Owen	Warren
Crane	Kern	Perkins	Watson
Culberson	Lippitt	Reed	Webb
Cullom	Lodge	Richardson	Wetmore
Dillingham	McCumber	Root	

So the amendment of the committee was rejected.

Mr. BOURNE. In view of the fact that the Senate has disagreed to a portion of the amendment of the committee on page 12 and that the whole paragraph has to be taken together, I ask the Senate to disagree to the committee recommendation in order to perfect the section.

The PRESIDENT pro tempore. The question is on agreeing to the second amendment.

The amendment was rejected.

The next amendment of the Committee on Post Offices and Post Roads was, beginning in line 13, on page 12, to strike out the following proviso:

Provided, That after June 30, 1913, the first grade for clerks and carriers shall be abolished and that appointments shall be made to the second grade, salary $800; and that clerks and carriers at first-class offices shall be promoted successively to the fifth grade and clerks and carriers at second-class offices shall be promoted successively to the fourth grade.

The amendment was rejected.

Mr. BORAH. I wish to ask the Senator from Oregon if he is not willing to lay aside the bill for a time?

Mr. BOURNE. At the request of the Senator from Idaho I will ask to lay aside the further consideration of the Post Office appropriation bill at the present time.

The PRESIDENT pro tempore. The Senator from Oregon asks unanimous consent that the bill be temporarily laid aside. Is there objection?

Mr. GUGGENHEIM. I object.

The PRESIDENT pro tempore. The Senator from Colorado objects.

Mr. BORAH. I move that the Senate proceed to the consideration of House bill 22913, to create a Department of Labor, notwithstanding the objection.

The PRESIDENT pro tempore. The Senator from Idaho moves that the Senate proceed to the consideration of House bill 22913, to create a Department of Labor.

Mr. SMOOT. I am not going to object to that at all. I simply want to call the attention of the Senate to it. Is it a violation of the unanimous-consent agreement? If not, I have not anything more to say; but it seems to me that it is a violation of the unanimous-consent agreement.

Mr. BORAH. Does the Senator object?

Mr. SMOOT. No; I do not object further than that is seems to me that a unanimous-consent agreement will take a unanimous consent to change it, and not a vote of the Senate.

Mr. BORAH. The unanimous-consent agreement is that it is not to interfere with appropriation bills. The Senator from Oregon has asked to lay aside the appropriation bill, and I do not think, therefore, that it is an interference with the agreement.

The PRESIDENT pro tempore. But the request of the Senator from Oregon was objected to, and it is not laid aside. The appropriation bill is before the Senate at the present time unless it is displaced.

Mr. SWANSON. That is what I was going to suggest. Can a motion be made to displace the appropriation bill?

The PRESIDENT pro tempore. Certainly.

DEPARTMENT OF LABOR.

Mr. BORAH. I move that the Post Office appropriation bill be laid aside for this evening.

The PRESIDENT pro tempore. The Senator from Idaho moves that the Post Office appropriation bill be laid aside for the remainder of the evening. The question is on agreeing to the motion.

The motion was agreed to.

Mr. BORAH. I ask, under the unanimous-consent agreement, that the bill (H. R. 22913) to create a department of labor be proceeded with.

The PRESIDENT pro tempore. The Senator from Idaho moves to proceed to the consideration of the bill.

The motion was agreed to.

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

The PRESIDENT pro tempore. The Senator from Colorado suggests the absence of a quorum. The roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Cummins	Martin, Va.	Smith, Ga.
Bankhead	Curtis	Myers	Smith, Mich.
Borah	Fall	Page	Smith, S. C.
Bourne	Gallinger	Paynter	Smoot
Brady	Gardner	Penrose	Stone
Bristow	Gore	Percy	Sutherland
Brown	Guggenheim	Pittman	Swanson
Bryan	Johnson, Me.	Poindexter	Townsend
Catron	Jones	Pomerene	Williams
Chamberlain	Kavanaugh	Sheppard	Works
Clapp	Kenyon	Shively	
Clarke, Ark.	La Follette	Simmons	
Crawford	Lea	Smith, Ariz.	

The PRESIDENT pro tempore. Fifty Senators have answered to their names. A quorum of the Senate is present.

Mr. BORAH. I ask that the bill may be read for action on committee amendments.

The PRESIDENT pro tempore. The Chair is informed that the bill has been read and the committee amendments have been agreed to.

Mr. BORAH. I desire to offer an amendment at this time.

Mr. GUGGENHEIM. In order to be familiar with the bill, I should like to have it read again.

The PRESIDENT pro tempore. Without objection, the bill will be again read.

Mr. BORAH. I object to its reading.

The PRESIDENT pro tempore. It is objected to.

Mr. BORAH. I presume the Senator is familiar with it or he would not be objecting to its consideration.

Upon page 7 of the bill, in line 13, I move to strike out "October" and insert "March," and to strike out the word "first" and insert "fourth," and, in line 14, to strike out "twelve" and insert "thirteen," so as to read:

That this act shall take effect March 4, 1913.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Idaho.

The amendment was agreed to.

Mr. GRONNA. I have an amendment here that I wish to offer, but I have misplaced it. I yield to the Senator from Colorado, who wishes to offer an amendment.

Mr. GUGGENHEIM. I hold in my hand the amendment offered by the Senator from Massachusetts [Mr. LODGE], which I send to the desk.

The PRESIDENT pro tempore. The Senator from Colorado submits an amendment, which will be read.

The SECRETARY. It is proposed to strike out all down to the word "and," in line 7, page 2, and to insert "That."

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Colorado.

Mr. BORAH. This is an amendment which was prepared by the Senator from Massachusetts [Mr. LODGE], and while, of course, it is proper for anyone to offer an amendment if he desires to do so, nevertheless I desire to say that the Senator from Massachusetts stated that he did not himself desire to offer this amendment, and thought that it was not well that it should be adopted. I hope it will not be adopted, as it changes the entire bill and would undoubtedly defeat the bill so far as the present session is concerned.

The effect of this amendment is simply to abolish the Departmen of Commerce and to transfer a number of departments which are now under the Department of Commerce and Labor to the Treasury Department, and to leave to it alone the creation of the Department of Labor. It would raise an issue, of course, which it would be impossible to dispose of at this session, because there are a great many people who are opposed to abolishing the Department of Commerce. I trust, therefore, that the amendment will not carry.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Colorado [Mr. GUGGENHEIM].

Mr. GUGGENHEIM. On that I ask for the yeas and nays.

The yeas and nays were not ordered.

Mr. GORE. I ask for a division.

There were, on a division—ayes 2, noes 34.

The PRESIDENT pro tempore. Not a quorum has voted.

Mr. GORE. Did the vote disclose the lack of a quorum?

The PRESIDENT pro tempore. The Chair so announced.

Mr. GORE. I desire to submit a motion, but will withhold it for a minute.

The PRESIDENT pro tempore. The roll will be called.

The Secretary called the roll, and the folowing Senators answered to their names:

Ashurst	Cummins	Martin, Va.	Simmons
Bankhead	Curtis	Myers	Smith, Ariz.
Borah	Fall	O'Gorman	Smith, Ga.
Bourne	Gallinger	Page	Smith, Mich.
Brady	Gardner	Paynter	Smith, S. C.
Bristow	Gore	Penrose	Smoot
Brown	Johnson, Me.	Percy	Stone
Bryan	Jones	Pittman	Sutherland
Catron	Kavanaugh	Poindexter	Swanson
Chamberlain	Kenyon	Pomerene	Townsend
Clapp	La Follette	Sheppard	Williams
Crawford	Lea	Shively	Works

The PRESIDENT pro tempore. Forty-eight Senators have answered to their names. A quorum of the Senate is present. The question is on the amendment of the Senator from Colorado [Mr. GUGGENHEIM], on which a division has been demanded.

The question being put, there were, on a division—ayes 0, noes 37.

The PRESIDENT pro tempore. No quorum has voted.

Mr. SMITH of Georgia. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. BRISTOW. Mr. President, before the roll is called I desire to say that I had determined that I would not vote for any additional Cabinet officer. I very much prefer that the present Department of Commerce and Labor should be made the Department of Labor. I think it should have been originally a Department of Labor, and the commercial divisions and bureaus that have been transferred to it should have been left with the Treasury Department, where they belong; but because of the statement of the Senator from Idaho [Mr. BORAH] that that is not practicable and could not be done now, I, with reluctance, shall vote against the amendment. I do so reluctantly, because I think the Cabinet is large enough now. As I have said, it would certainly be better to make the Department of Commerce and Labor a Department of Labor, with all the functions which the Department of Labor when created will have, and not encumber the Cabinet with an additional officer.

The PRESIDENT pro tempore. The question is on the amendment submitted by the Senator from Colorado [Mr. GUGGENHEIM]. The roll will be called.

The Secretary proceeded to call the roll.

Mr. SMITH of Georgia (when Mr. BACON's name was called). I desire to state that my colleague [Mr. BACON] has been indisposed from a severe cold for several days, and on account of his health could not come out to-night.

Mr. SMITH of South Carolina (when his name was called). I have a general pair with the Senator from Delaware [Mr. RICHARDSON]. I transfer that pair to the Senator from Tennessee [Mr. WEBB] and vote. I vote "nay."

Mr. STONE (when his name was called). I have a general pair with the Senator from Wyoming [Mr. CLARK]. In his absence I withhold my vote. If permitted to vote, I should vote "nay."

Mr. SUTHERLAND (when his name was called). I inquire whether the Senator from Arkansas [Mr. CLARKE] has voted.

The PRESIDENT pro tempore. The Chair is informed that that Senator has not voted.

Mr. SUTHERLAND. I have a pair with that Senator, and in his absence I withhold my vote.

The roll call was concluded.

Mr. SMITH of Georgia (after having voted in the negative). I have a general pair with the senior Senator from Massachusetts [Mr. LODGE] and this is a measure to which, I think, the pair should apply, although we have an agreement that each shall vote when he wishes. I transfer that pair to the Senator from Nebraska [Mr. HITCHCOCK] and will let my vote stand.

Mr. SUTHERLAND. I am informed that the Senator from Arkansas [Mr. CLARKE] with whom I am paired, if present, would vote "nay." I therefore feel at liberty to vote. I vote "nay."

Mr. CHAMBERLAIN (after having voted in the negative). I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER]. I desire to transfer my pair with that Senator to the junior Senator from Colorado [Mr. THOMAS], and will let my vote stand.

Mr. SIMMONS. I desire to announce that my colleague [Mr. OVERMAN] on account of his physical condition is unable to be present to-night.

The result was announced—yeas 1, nays 46, as follows:

YEAS—1.

Guggenheim

NAYS—46.

Ashurst	Cummins	Martin, Va.	Smith, Ariz.
Bankhead	Curtis	Myers	Smith, Ga.
Borah	Fall	Newlands	Smith, Mich.
Bourne	Gallinger	O'Gorman	Smith, S. C.
Brady	Gardner	Page	Smoot
Bristow	Gore	Penrose	Sutherland
Brown	Johnson, Me.	Pittman	Swanson
Bryan	Jones	Poindexter	Townsend
Catron	Kavanaugh	Pomerene	Williams
Chamberlain	Kenyon	Sheppard	Works
Clapp	La Follette	Shively	
Crawford	Lea	Simmons	

NOT VOTING—48.

Bacon	Dillingham	Lodge	Richardson
Bradley	Dixon	McCumber	Root
Brandegee.	du Pont	McLean	Smith, Md.
Briggs	Fletcher	Martine, N. J.	Stephenson
Burnham	Foster	Nelson	Stone
Burton	Gamble	Oliver	Thomas
Chilton	Gronna	Overman	Thornton
Clark, Wyo.	Hitchcock	Owen	Tillman
Clarke, Ark.	Jackson	Paynter	Warren
Crane	Johnston, Ala.	Percy	Watson
Culberson	Kern	Perkins	Webb
Cullom	Lippitt	Reed	Wetmore

The PRESIDENT pro tempore. A quorum has not voted, and the roll will be called.

Mr. SMITH of Georgia. I suggest, Mr. President, that the names of absentees be called.

The PRESIDENT pro tempore. That can not be done on a yea-and-nay vote. The roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Curtis	Myers	Smith, Ariz.
Bankhead	Fall	Newlands	Smith, Ga.
Borah	Gallinger	O'Gorman	Smith, Mich.
Brady	Gardner	Page	Smith, S. C.
Bristow	Gore	Penrose	Smoot
Brown	Johnson, Me.	Percy	Stone
Bryan	Jones	Pittman	Sutherland
Catron	Kavanaugh	Poindexter	Swanson
Chamberlain	Kenyon	Pomerene	Townsend
Clapp	La Follette	Sheppard	Williams
Crawford	Lea	Shively	Works
Cummins	Martin, Va.	Simmons	

The PRESIDENT pro tempore. Forty-seven Senators have answered to their names—not a quorum. The names of absent Senators will be called.

The Secretary called the names of absent Senators, and Mr. BOURNE entered the Chamber and answered to his name.

The PRESIDENT pro tempore. Forty-eight Senators have answered to their names. A quorum is present. The question is on the amendment submitted by the Senator from Colorado [Mr. GUGGENHEIM], upon which the yeas and nays have been ordered. The roll will be called.

The Secretary proceeded to call the roll.

Mr. SMITH of Georgia. I again announce my pair with the senior Senator from Massachusetts [Mr. LODGE], and again transfer that pair to the Senator from Nebraska [Mr. HITCHCOCK]. I will let this announcement and transfer stand for the remainder of the evening. I vote "nay."

Mr. SMITH of South Carolina (when his name was called). I again announce my pair with the Senator from Delaware [Mr. RICHARDSON] and the transfer of that pair to the Senator from Tennessee [Mr. WEBB]. I vote "nay."

The roll call was concluded.

Mr. CHAMBERLAIN (after having voted in the negative). I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER]. I transfer that pair to the junior Senator from Colorado [Mr. THOMAS], and will let my vote stand.

Mr. STONE. I have a pair with the Senator from Wyoming [Mr. CLARK]. I transfer that pair to the Senator from Florida [Mr. FLETCHER], and will vote. I vote "nay."

The result was announced—yeas 0, nays 44, as follows:

NAYS—44.

Ashurst	Cummins	Martin, Va.	Simmons
Borah	Curtis	Myers	Smith, Ariz.
Bourne	Gallinger	Newlands	Smith, Ga.
Brady	Gardner	O'Gorman	Smith, Mich.
Bristow	Gore	Page	Smith, S. C.
Brown	Johnson, Me.	Penrose	Stone
Bryan	Jones	Pittman	Sutherland
Catron	Kavanaugh	Poindexter	Swanson
Chamberlain	Kenyon	Pomerene	Townsend
Clapp	La Follette	Sheppard	Williams
Crawford	Lea	Shively	Works

NOT VOTING—51.

Bacon	Dillingham	Lippitt	Richardson
Bankhead	Dixon	Lodge	Root
Bradley	du Pont	McCumber	Smith, Md.
Brandegee	Fall	McLean	Smoot
Briggs	Fletcher	Martine, N. J.	Stephenson
Burnham	Foster	Nelson	Thomas
Burton	Gamble	Oliver	Thornton
Chilton	Gronna	Overman	Tillman
Clark, Wyo.	Guggenheim	Owen	Warren
Clarke, Ark.	Hitchcock	Paynter	Watson
Crane	Jackson	Percy	Webb
Culberson	Johnston, Ala.	Perkins	Wetmore
Cullom	Kern	Reed	

The PRESIDENT pro tempore. Not a quorum has voted. The Secretary will call the roll.

Mr. SMITH of Georgia. I think I might suggest that perhaps there are some Senators present who did not notice the call of their names and were not excused from voting by the Senate. Would it not be proper to suggest that they vote before the announcement is made?

The PRESIDENT pro tempore. The suggestion can be made, but the Chair can not enforce it. The roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Curtis	Lea	Shively
Bankhead	Fall	Martin, Va.	Simmons
Borah	Gallinger	Myers	Smith, Ga.
Brady	Gardner	Newlands	Smith, Mich.
Bristow	Gore	O'Gorman	Smith, S. C.
Brown	Gronna	Page	Stone
Bryan	Guggenheim	Penrose	Sutherland
Catron	Johnson, Me.	Percy	Swanson
Chamberlain	Jones	Pittman	Townsend
Clapp	Kavanaugh	Poindexter	Works.
Crawford	Kenyon	Pomerene	
Cummins	La Follette	Sheppard	

The PRESIDENT pro tempore. Forty-six Senators have answered to their names—not a quorum. The names of absentees will be called.

The Secretary called the names of absentees, and Mr. WILLIAMS, Mr. SMITH of Arizona, Mr. SMOOT, and Mr. BOURNE answered to their names.

The PRESIDENT pro tempore. Fifty Senators have answered to their names. A quorum of the Senate is present.

Mr. SMITH of Georgia. I ask unanimous consent to dispense with the further call of the yeas and nays.

Mr. GUGGENHEIM. I object.

Mr. SMITH of Georgia. Who objects? The roll has been called. I do not think the Senator from Colorado is here.

Mr. GUGGENHEIM. I am here now.

Mr. SMITH of Georgia. Then, Mr. President, I suggest that the Senator's name be called to answer.

Mr. BORAH. I ask that the name of the Senator from Colorado be called.

The PRESIDENT pro tempore. The Senator's name will be called.

The Secretary called the name of Mr. GUGGENHEIM.

Mr. GUGGENHEIM. Mr. President, a parliamentary inquiry. Do I have to reply?

The PRESIDENT pro tempore. As the Chair remembers the rule, it is that all Senators shall respond to their names unless excused from doing so.

Mr. GUGGENHEIM. Will the Chair excuse me?

The PRESIDENT pro tempore. It is not for the Chair. It is for the Senate. Will the Senate excuse the Senator from Colorado from responding?

SEVERAL SENATORS. No.

The PRESIDENT pro tempore. The Secretary will call the name of the Senator from Colorado.

The Secretary again called the name of Mr. GUGGENHEIM.

Mr. GUGGENHEIM. Present.

Mr. SMITH of Georgia. Mr. President, I think there was also another Senator present who did not answer. I do not desire to mention his name, but I should appreciate his voting.

Mr. GRONNA. Mr. President, I wish to have my name called.

The PRESIDENT pro tempore. The Senator's name will be called.

The Secretary called the name of Mr. GRONNA.

Mr. GRONNA. Present.

The PRESIDENT pro tempore. The question recurs upon the amendment.

Mr. SMITH of Georgia. The amendment, as I understand, is that proposed by the Senator from Colorado [Mr. GUGGENHEIM]?

The PRESIDENT pro tempore. It is.

Mr. LA FOLLETTE. And upon that the yeas and nays have been ordered.

The PRESIDENT pro tempore. The yeas and nays have been ordered. The Secretary will call the roll.

Mr. SMITH of Georgia. I again ask unanimous consent to dispense with the yeas and nays.

The PRESIDENT pro tempore. The Senator from Georgia asks unanimous consent to dispense with the yeas and nays.

Mr. SMOOT. I believe that under the rule that can not be done, because of the fact that we have called the roll four or five times on the same question.

The PRESIDENT pro tempore. Objection is made, and the roll will be called. Those in favor of the amendment will, when their names are called, answer "yea"; those opposed will answer "nay."

The Secretary proceeded to call the roll.

Mr. CHAMBERLAIN (when his name was called). I desire to make the same transfer of my pair that I did awhile ago and I ask that it may stand for the evening. I vote "nay."

Mr. SMITH of South Carolina (when his name was called). I again announce my pair with the Senator from Delaware [Mr. RICHARDSON] and the transfer of that pair to the Senator from Tennessee [Mr. WEBB]. I vote "nay."

Mr. STONE (when his name was called). I transfer my standing pair with the Senator from Wyoming [Mr. CLARK] to the Senator from Florida [Mr. FLETCHER]. I vote "nay."

The roll call having been concluded, the result was announced—yeas 0, nays 48, as follows:

NAYS—48.

Ashurst	Cummins	Martin, Va.	Simmons
Bankhead	Curtis	Myers	Smith, Ariz.
Borah	Fall	Newlands	Smith, Ga.
Bourne	Gallinger	O'Gorman	Smith, Mich.
Brady	Gardner	Page	Smith, S. C.
Bristow	Gore	Penrose	Smoot
Brown	Johnson, Me.	Percy	Stone
Bryan	Jones	Pittman	Sutherland
Catron	Kavanaugh	Poindexter	Swanson
Chamberlain	Kenyon	Pomerene	Townsend
Clapp	La Follette	Sheppard	Williams
Crawford	Lea	Shively	Works

NOT VOTING—47.

Bacon	Dillingham	Lippitt	Richardson
Bradley	Dixon	Lodge	Root
Brandegee	du Pont	McCumber	Smith, Md.
Briggs	Fletcher	McLean	Stephenson
Burnham	Foster	Martine, N. J.	Thomas
Burton	Gamble	Nelson	Thornton
Chilton	Gronna	Oliver	Tillman
Clark, Wyo.	Guggenheim	Overman	Warren
Clarke, Ark.	Hitchcock	Owen	Watson
Crane	Jackson	Paynter	Webb
Culberson	Johnston, Ala.	Perkins	Wetmore
Cullom	Kern	Reed	

So Mr. GUGGENHEIM's amendment was rejected.

Mr. GRONNA. I move that the Senate adjourn.

Mr. BORAH. Will the Senator withhold that for a moment?

The PRESIDENT pro tempore. Does the Senator from North Dakota withhold his motion?

Mr. GRONNA. I will do so.

Mr. BORAH. I ask that the Senate do not adjourn.

Mr. GRONNA. I withdraw my motion to adjourn and I will offer the following amendment. On page 3 of the bill, I move to strike out all of lines 10, 11, 12, and 13, and to insert in lieu thereof the following:

Children's Bureau, the—

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 3, strike out lines 10, 11, 12, and 13, in the following words: "Commissioner General of Immigration, the commissioners of immigration, the Bureau of Immigration and Naturalization, the Division of Information, the Division of Naturalization, and the Immigration Service at large, the," and insert in lieu thereof "Children's Bureau, the," so as to read:

SEC. 3. That the following-named officers, bureaus, divisions, and branches of the public service now and heretofore under the jurisdiction of the Department of Commerce and Labor, and all that pertains to the same, known as the Children's Bureau, the Bureau of Labor, and the Commissioner of Labor, be, and the same hereby are, transferred from the Department of Commerce and Labor to the Department of Labor, and the same shall hereafter remain under the jurisdiction and supervision of the last-named department.

Mr. GRONNA. Mr. President, I offer this amendment in good faith in the hope that the Senator from Idaho will accept it. I have no objection to the creation of as many bureaus as the Senate sees fit to create or as many departments as the Senate sees fit to create. I believe, however, speaking seriously, that the Senate of the United States will discover in the future, if this bill is passed in the shape it is now, that it has made a mistake. That, of course, is only my opinion.

I do not want to place the Bureau of Immigration under a mere Department of Labor, any more than I would want to place the Department of Labor under the management of those who control the strong industries of this country. I would prefer to have a bill such as we had before the Senate a few days ago and to have these regulations which are of such great importance interpreted and the law interpreted by disinterested people.

You can not by mere legislation trade wealth for labor. There are many ways you can take opportunity away from labor by legislation. I can recall when I grew up a boy that if restrictions such as you have now placed upon labor had existed, when I undertook to make my way single handed and alone, I would have been to-day laboring in the ditch with those who have been laboring there for many years.

Opportunity is the greatest asset that the American wage earners have. I come from a part of the country where the people are in favor of a liberal construction of the immigration laws. The people in my State, in many localities, have been holding meetings and conventions discussing the importance of securing immigrants for that State. I wish to read a short article which I clipped from the Williston Graphic, North Dakota. It is headed "Immigration Commission."

The Williston Commercial Club has passed resolutions indorsing house bill No. 271—

That is a bill pending before the North Dakota Legislative Assembly—

and has forwarded a copy of the resolutions to the legislature at Bismarck.

House bill No. 271 is a bill for the creation and maintenance of a North Dakota publicity and immigration commission. The object of such bureau and commission would be to place before the prospective immigrants from other States, and the world at large, the opportunities afforded in North Dakota. Also that through this bureau desirable immigrants could be aided in securing homes within the State.

Gov. Hanna, previous to his inauguration, pointed out the many things that could be accomplished for the State through the establishment of such a bureau, and indorsed its establishment. The bill was introduced by W. G. Owens, of this city.

Mr. KENYON. Mr. President——

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

Mr. GRONNA. For a question.

Mr. KENYON. I rose to move an adjournment.

Mr. GRONNA. Mr. President, I do not want to detain the Senate much longer, but I feel that this is a question of such importance that I should like to discuss it further, unless the Senate——

Mr. KENYON. The discussion is very interesting, indeed; but, at the same time, we can proceed in the morning just as well.

Mr. GRONNA. Still, of course, if through fatigue, owing to the strenuous work we have been going through, an adjournment is necessary——

Mr. KENYON. We are more likely to be in a receptive attitude to listen to the discussion in the morning. I move that the Senate adjourn.

Mr. GRONNA. I have the floor. I did not yield for that purpose.

The PRESIDENT pro tempore. The Senator from North Dakota will proceed.

Mr. GUGGENHEIM. Mr. President, I suggest the absence of a quorum. The Senator from North Dakota is making a very interesting speech, and there should be a quorum here.

The PRESIDENT pro tempore. The Senator from Colorado suggests the absence of a quorum. The roll will be called.

Mr. KENYON. Mr. President, I rise to a question of order. The Senator from Colorado did not have the floor any more than I had it when I made my motion.

The PRESIDENT pro tempore. The rules provide that a Senator can suggest the absence of a quorum at any time. The roll will be called.

Mr. SMITH of Georgia. Does the Chair rule that a Senator can take another off his feet to suggest the absence of a quorum?

The PRESIDENT pro tempore. The Chair does so hold.

Mr. SMITH of Georgia. I just asked for information.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Curtis	Myers	Smith, Ariz.
Bankhead	Fall	Newlands	Smith, Ga.
Borah	Gallinger	O'Gorman	Smith, Mich.
Bourne	Gardner	Page	Smith, S. C.
Brady	Gore	Penrose	Smoot
Bristow	Johnson, Me.	Percy	Stone
Brown	Jones	Pittman	Swanson
Bryan	Kavanaugh	Poindexter	Townsend
Catron	Kenyon	Pomerene	Williams
Chamberlain	La Follette	Sheppard	
Clapp	Lea	Shively	
Cummins	Martin, Va.	Simmons	

The PRESIDENT pro tempore. Forty-five Senators have answered to their names—not a quorum.

Mr. SIMMONS and Mr. GRONNA addressed the Chair.

The PRESIDENT pro tempore. The roll will be called.

Mr. SIMMONS. Mr. President——

Mr. GRONNA. I think I have the floor; I did not yield it when the suggestion was made of the absence of a quorum.

The PRESIDENT pro tempore. No business can be transacted in the absence of a quorum.

Mr. SIMMONS. I want to say there is hardly on the calendar a more important measure——

The PRESIDENT pro tempore. The Senator is out of order. There is no quorum present.

Mr. SIMMONS. Then I move that the Sergeant at Arms be directed to notify absent Senators to attend the session of the Senate.

The PRESIDENT pro tempore. The Senator from North Carolina moves that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDENT pro tempore. The Sergeant at Arms will execute the order of the Senate.

Mr. GRONNA. I move that the Senate adjourn.

The PRESIDENT pro tempore. The Senator from North Dakota moves that the Senate adjourn. [Putting the question.] By the sound, the noes appear to have it.

Mr. GRONNA. I ask for the yeas and nays.

The yeas and nays were not ordered.

Mr. BORAH. What is the motion before the Senate now, Mr. President?

The PRESIDENT pro tempore. The Sergeant at Arms has been directed to request the presence of absent Senators.

Mr. SIMMONS. Mr. President, I ask to withdraw the request that I made a few moments ago, and I move that the Senate adjourn.

The PRESIDENT pro tempore. Without objection, the proceedings under the call will be dispensed with. The Senator from North Carolina moves that the Senate adjourn.

The motion was agreed to; and (at 11 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, February 26, 1913, at 10 o'clock a. m.

HOUSE OF REPRESENTATIVES.

TUESDAY, *February 25, 1913.*

The House met at 10.30 o'clock a. m.

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

Our Father in heaven, draw us by Thy holy influence close to Thee, that we may receive of Thy substance the qualities of soul which make men great in the daily duties of life; that we may be the instruments in Thy hands for the promotion and furtherance of Thy kingdom upon the earth; that evil may be diminished, wrongs righted, and the things which make for righteousness increased; that we may thus pass from glory to glory under the spiritual leadership of the King of men, the Holy One of Israel. Amen.

Mr. SISSON. Mr. Speaker, I suggest the absence of a quorum.

The SPEAKER. Evidently there is no quorum present.

Mr. FLOOD of Virginia. Mr. Speaker, I move a call of the House.

The motion was agreed to.

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

The Clerk called the roll, and the following Members failed to answer to their names:

Aiken, S. C.	Barchfeld	Brown	Cary
Ames	Bartholdt	Burke, Pa.	Clark, Fla.
Andrus	Berger	Campbell	Conry
Ansberry	Bradley	Carlin	Copley
Anthony	Broussard	Carter	Crago
Cravens	Hamilton, W. Va.	McKinney	Rothermel
Crumpacker	Hammond	McMorran	Rucker, Colo.
Danforth	Harris	Madden	Rucker, Mo.
Davenport	Harrison, N. Y.	Martin, Colo.	Sabath
Davidson	Hartman	Matthews	Scott
Davis, Minn.	Henry, Conn.	Mays	Slemp
De Forest	Higgins	Merritt	Smith, J. M. C.
Dickson, Miss.	Hinds	Moon, Pa.	Speer
Draper	Hobson	Morgan, Okla.	Stack
Driscoll, D. A.	Howard	Morse, Wis.	Stanley
Ferris	Hughes, Ga.	Mott	Steenerson
Focht	Hughes, W. Va.	Murdock	Stephens, Nebr.
Fornes	Jackson	Needham	Sweet
French	Kindred	Norris	Switzer
Gardner, Mass.	Kinkaid, Nebr.	Nye	Talbott, Md.
Gardner, N. J.	Knowland	Olmsted	Talcott, N. Y.
George	Konig	Parran	Taylor, Ohio
Gill	Korbly	Patten, N. Y.	Thistlewood
Glass	Lafean	Patton, Pa.	Townsend
Godwin, N. C.	Langley	Pray	Vreeland
Good	Lee, Ga.	Prince	Watkins
Green, Iowa	Lindsay	Pujo	White
Gregg, Pa.	Littleton	Randell	Wilder
Gregg, Tex.	McCall	Reyburn	Wilson, Ill.
Gudger	McCreary	Richardson	Wilson, N. Y.
Guernsey	McDermott	Riordan	Wood, N. J.
Hamill	McGuire, Okla.	Rodenberg	

The SPEAKER. On this call 254 Members respond to their names, a quorum.

Mr. UNDERWOOD. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

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

BRIDGE ACROSS SNAKE RIVER, WYO.

Mr. SMITH of Texas. Mr. Speaker, I call up the conference report on the bill (S. 3947) to provide for a bridge across Snake River, in Jackson Hole, Wyo., and I ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. The gentleman from Texas calls up a conference report and asks unanimous consent that the statement be read in lieu of the report. Is there objection?

There was no objection.

The conference report is as follows:

CONFERENCE REPORT (NO. 1560).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3947) to provide for a bridge across Snake River, in Jackson Hole, Wyo., having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

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

Amendment numbered 2: That the Senate recede from its disagreement to the amendment of the House numbered 2, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment, insert the following:

"That the Secretary of the Interior is hereby authorized to use such portion of the reclamation fund, not to exceed $27,000, and in no event more than three-fourths of the sum that may be necessary for the construction of a bridge across Snake River, at a point in township 41 or 42 north, range 116 or 117 west, Wyoming, to be determined by the Reclamation Service, with the view of best serving the people of Jackson Hole and adjacent territory in Wyoming: *Provided*, That no part of the funds herein authorized to be used, except such as may be necessary for the making of examinations and estimates, shall be expended until the Secretary of the Interior shall have obtained, from the proper local authorities, satisfactory guaranties of the payment, by the said local authorities, of one-fourth of the cost of said bridge; and that the said local authorities assume full responsibility for and will at all times maintain and repair the said bridge and approaches thereto: *Provided further*, That the amount of the reclamation fund so used shall be charged as a part of the cost of the reclamation project or projects the construction and development of which have caused the necessity of such bridge."

And the House agree to the same.

W. R. SMITH,
A. W. RUCKER,
M. P. KINKAID,
Managers on the part of the House.

W. L. JONES,
F. E. WARREN,
FRANCIS G. NEWLANDS,
Managers on the part of the Senate.

The Clerk read the statement, as follows:

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3947) to provide for a bridge across Snake River, in Jackson Hole, Wyo., submit the following written statement explaining the effect of the action agreed on:

Amendment No. 1 merely struck out the preamble, and to this the Senate agrees.

The effect of amendment No. 2 is to authorize the expenditure of not to exceed $27,000, instead of $18,000, from the reclamation fund in the construction of the bridge; in no event to exceed three-fourths of the cost of construction, instead of one-half, as provided in the House amendment, leaving one-fourth instead of one-half of the cost of construction to be borne by the local authorities.

W. R. SMITH,
A. W. RUCKER,
M. P. KINKAID,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

REGULATION OF WATERS OF NIAGARA RIVER.

Mr. FLOOD of Virginia. Mr. Speaker, I ask unanimous consent to have printed the views of the minority on the bill (H. R. 28674) for the control and regulation of the waters of the Niagara River above the Falls of Niagara (H. Rept. 1488, pt. 2).

The SPEAKER. The gentleman from Virginia asks unanimous consent to file minority views on the bill H. R. 28674. Is there objection?

There was no objection.

WITHDRAWAL OF PAPERS—M. R. WILLIAM GREBE.

The SPEAKER laid before the House the following request for unanimous consent:

Mr. ANTHONY asks leave to withdraw from the files of the House, without leaving copies, papers in the case of M. R. William Grebe (H. R. 4474, 1st sess. 57th Cong.), adverse report having been made thereon.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, may I ask what the papers are?

The SPEAKER. The gentleman from Kansas is not in the House and the Chair has no knowledge of it. If there is any objection, the Chair will reserve it until the gentleman is in the House.

WITHDRAWAL OF PAPERS—THOMAS D. FLYNN.

By unanimous consent, Mr. CANNON was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of H. R. 5351, for the relief of Thomas D. Flynn, alias Thomas D. Allen, Sixty-second Congress, second session, no adverse report having been made thereon.

RIVER AND HARBOR AND PHYSICAL VALUATION BILLS.

Mr. MANN. I would ask that these two bills, with Senate amendments, be printed with Senate amendments numbered and remain on the Speaker's table.

The SPEAKER. The gentleman asks what?

Mr. MANN. That the two House bills just coming from the Senate, with Senate amendments, the river and harbor bill and the physical valuation bill.

The SPEAKER. The gentleman from Illinois asks unanimous consent to have the river and harbor bill, with Senate amendments, properly numbered, printed, and also the physical valuation bill.

Mr. MANN. And to remain on the Speaker's table.

The SPEAKER. Is there objection?

Mr. SPARKMAN. Just one moment. I was about to ask unanimous consent to take the bill from the Speaker's table, disagree to the Senate amendments, and ask for a conference, and I understand that would result in the printing of the bill.

Mr. MANN. I should have to object to that until the bill is printed with the Senate amendments.

The SPEAKER. Ask that to-morrow morning. The Chair hears no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 22593. An act to amend an act entitled "An act to regulate commerce, approved February 4, 1887, and all acts amendatory thereof by providing for physical valuation of the property of carriers subject thereto, and securing information concerning their stocks and bonds and boards of directors"; and

H. R. 28180. An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

NAVAL APPROPRIATION BILL.

Mr. PADGETT. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 28812, the naval appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 28812, the naval appropriation bill, with Mr. ALEXANDER in the chair.

The CHAIRMAN. The House is in the Committee of the Whole House on the state of the Union for the further consideration of the bill, the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 28812) making appropriations for the naval service for the fiscal year ending June 30, 1914, and for other purposes.

The CHAIRMAN. The Clerk will read the bill.

The Clerk read as follows:

Battle compasses: For the purchase of battle compasses for ships of the Navy heretofore completed, $120,000.

Mr. SISSON. Mr. Chairman, I would like to ask for my own information. I do not know that I have any objection to this item. I understand this has been carried for a number of years?

Mr. PADGETT. Only last year.

Mr. SISSON. I notice it is an appropriation of the same amount. Will the gentleman tell me if he knows what these battleship compasses cost, and why should we carry this appropriation every year?

Mr. PADGETT. They cost $10,000 apiece. This is to get 12. It is intended to put them on the battleships and on the armored cruisers and some of the submarines.

Mr. SISSON. In other words, we have 12 ships that are ready or will be ready at the end of the next fiscal year.

Mr. PADGETT. More besides these we authorize.

The Clerk read as follows:

Coal and transportation: Coal and other fuel for steamers' and ships' use, and other equipment purposes, including expenses of transportation, storage, and handling the same, and for the general maintenance of naval coaling depots and coaling plants, water for all purposes on board naval vessels, including the expenses of transportation and storage of the same, $75,000 of said sum, or so much thereof as may be necessary, may be used for the survey and investigation by experimental tests of coal in Alaska for use on board ships of the United States Navy, and for report upon coal and coal fields available for the production of coal for the use of ships of the United States Navy or any vessel of the United States, $5,000,000.

Mr. MANN. Mr. Chairman, I reserve a point of order.

Mr. BOOHER. I reserve a point of order.

Mr. MANN. I thought the gentleman from Missouri started to discuss the item.

Mr. BOOHER. I want to reserve the point of order on that part of the paragraph beginning with the figures "$75,000," in line 11, down to and including the words "United States," in line 17. I would like to find out from the chairman, if I can, why it is they make this appropriation for the purpose of surveying coal lands in Alaska and testing coal by the Navy Department.

Mr. PADGETT. There is a good deal of coal used on the ships on the Pacific, and there is a very high transportation charge on coal from the Atlantic to the Pacific. Various tests have been made of coal in the Pacific States by the Navy Department, by the Bureau of Mines, and I believe also by one of the other bureaus, and the report is they have never been able to find any coal satisfactory for the use of ships of the Navy upon the Pacific coast. It is well known that there are valuable deposits of coal in Alaska, and for the purpose of testing this matter in the last Congress we appropriated $75,000 for the purpose of getting some coal and bringing it down and testing it on the ships they have secured——

Mr. BOOHER. Eight hundred and eighty-five tons.

Mr. PADGETT. About 900 tons, in round numbers. It is from the Bering River field.

Mr. SISSON. Mr. Chairman, I can not hear what the gentleman is saying.

Mr. PADGETT. I regret my voice is such that it is difficult for me to speak. I was saying that last year we appropriated

$75,000 to test the coal in Alaska, for the reason that heretofore we have been unable to find coal of a satisfactory quality on the Pacific coast to use on the ships. According to the reports made by the Navy Department, the Bureau of Mines, and, I believe, by the Geological Survey——

Mr. SISSON. If the gentleman will yield, I will state I am in sympathy with the $75,000 appropriated for the purpose of testing Alaskan coal with the idea of using it in the Navy for the Pacific Fleet. It is simply a survey——

Mr. PADGETT. It is not a survey; the word "survey" is simply to ascertain and locate coal and get some of it and bring it down and test it.

Mr. SISSON. Does not the gentleman think, unless perhaps it is thoroughly understood, that another word might be used?

Mr. PADGETT. I will say to the gentleman that this amendment was put on in the Senate last year, and in conference the House conferees attempted to change it.

Mr. SISSON. Do you not think——

Mr. PADGETT (continuing). And it went out on a point of order made against the conference report, and we adopted the language from the necessity of the situation.

Mr. SISSON. Do you not think it would we better to put the amendment in here to assist the conferees in getting the item as you would like to have it?

Mr. PADGETT. I have no objection to changing the language.

Mr. SISSON. I will say to the gentleman that there have been some criticisms which I have heard in reference to the language carried, because it might convey the idea that they were to make surveys of coal lands.

Mr. PADGETT. I will be very glad to have substituted the language that was used in the conference report last year.

Mr. SISSON. I would be very glad to support that, if the gentleman will offer it.

Mr. BOOHER. Mr. Chairman, I would like to ask the gentleman how he expects to get the coal from the mines to tidewater so the Navy can get it to use?

Mr. PADGETT. That is a matter to settle when we find that we have got the coal there in sufficient quantity and of satisfactory quality. Then the Government will have to devise some means, or private capital will have to do it. That is a matter that we are not dealing with now. We are dealing with a question of whether or not there is coal there of a satisfactory quality and of sufficient quantity.

Mr. BOOHER. You have already tested coal from the Bering River coal fields in Alaska and have found that 15 tons of that coal is equal to 18 tons of other coal used by the Navy, have you not? Do not your records show that?

Mr. PADGETT. That is an old test that was made many years ago.

Mr. BOOHER. When? How long ago?

Mr. PADGETT. Seven or eight years ago.

Mr. BOOHER. Was it not five years ago?

Mr. PADGETT. I do not remember exactly. It was five or six or seven years ago, and it was stated in that report that 15 tons was such a small quantity that they could not make a satisfactory report upon that amount, and that there should be a larger quantity tested. This is intended——

Mr. BOOHER. I have that report before me, and it shows the result as I stated. Because it was made a few years ago is no reason why it should be discredited now.

Mr. PADGETT. I know. This is intended to get coal from Matanuska.

Mr. BOOHER. You propose to get coal from Matanuska and Copper River and Bering River, do you not?

Mr. PADGETT. Yes, sir.

Mr. BOOHER. Will you tell this committee how it is possible to get a single ton of coal from Bering River or Copper River or the Matanuska coal fields to salt water?

Mr. PADGETT. It will have to be taken down on sleds.

Mr. BOOHER. It will have to be taken down by dogs or carried out on the top of the mountains and rolled down, will it not?

Mr. PADGETT. It will be carried down on sleds.

Mr. BOOHER. Dog sleds?

Mr. PADGETT. I do not know whether they use dogs or not.

Mr. BOOHER. They have no horses up there. How far do you have to haul it?

Mr. PADGETT. From the Matanuska fields it is more than 100 miles.

Mr. BOOHER. What does it cost to get a ton of that coal down to Bremerton, where the testing station is located?

Mr. PADGETT. It is quite expensive.

Mr. BOOHER. How much? Do you not know that the hearings show that it cost $100 a ton to get it out there?

Mr. PADGETT. No; it does not cost anything like that.

Mr. BOOHER. It is so shown by the hearings.

Mr. PADGETT. In fitting out their expedition and getting their food and provisions and transportation of the men, and so forth, up there and losing $15,000 worth of provisions by the sinking of a vessel, it may be it cost about the amount as stated; but after they have gotten their plant and their operations started, it would not cost anything like that in the future.

Mr. BOOHER. Now, the hearings before your committee show, on a question asked by the gentleman from Alabama [Mr. HOBSON], in which he made the statement that it cost them $60 to $70 a ton, the witness said it cost $100 a ton. Mr. McKenzie said that when they got it to salt water it would be considerably over $100 a ton.

Mr. HAMILTON of Michigan. A hundred dollars a ton? From which coal fields—the Bering River or the Matanuska?

Mr. BOOHER. Either one.

Mr. HAMILTON of Michigan. The Bering River field is only about 35 miles, I think, from the coast.

Mr. BOOHER. Yes; but you have a mountain to cross.

Mr. HAMILTON of Michigan. And the Matanuska coal field is something like 200 miles.

Mr. PADGETT. About 140 miles.

Mr. HAMILTON of Michigan. No; about 200 miles.

Mr. BOOHER. Now, if the gentleman from Tennessee will pardon me further, I want to say that the sole purpose of this appropriation is to survey coal land up there in Alaska, is it not? I gather that from the hearings.

Mr. PADGETT. No; it is not.

Mr. BOOHER. I am telling you what the hearing shows. I say that the hearing shows that Mr. ROBERTS of Massachusetts, a member of the committee, stated that the sole purpose of this appropriation was to find out how much coal land there was in Alaska.

Mr. PADGETT. It is to ascertain if there is a sufficient quantity of coal to justify the Government in entertaining the hope and expectation of getting naval coal there.

Mr. BOOHER. That is not it. I read:

> Mr. HOBSON. Mr. ROBERTS, you do not mean to say that the Navy Department samples all the outcroppings in Alaska?
> Mr. ROBERTS. The very point of this Government expedition is to find out how much coal there is.

That is the object of this whole thing. The Geological Survey has made survey after survey, and here is the report of the Geological Survey that shows the number of millions of acres of land up there that has coal in it in Alaska, so that this work has already been done, and the work that the provision seeks to do is simply a duplication of the work already done by the Geological Survey.

Mr. PADGETT. Not at all, because it does not show whether it is coal suitable for battleships or whether it is simply land with coal deposits.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BOOHER. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. BOOHER. If that be the reason for it, the sundry civil bill carried an appropriation to do that express thing, and leaves it with the Bureau of Mines, where it ought to be. If the Bureau of Mines is not qualified to test this coal, you had better abolish the Bureau of Mines and turn it over to the Navy Department, instead of having three or four different bureaus doing it. Let me read this from the sundry civil bill:

> For the analyzing and testing of coals, lignites, ores, and other mineral-fuel substances belonging to or for the use of the United States, including personal services in the Bureau of Mines at Washington, D. C.—

And so forth, $135,000. There you have in the sundry civil appropriation bill a provision for testing this coal and making an appropriation of $135,000 to do exactly what you want to do here with $75,000 in the Navy Department, thus duplicating the work.

Mr. PADGETT. No; that is intended for the continental limits of the United States, and it does not contemplate the investigation of coal in Alaska.

Mr. BOOHER. I do not agree with the gentleman as to what it contemplates. I take the language of the provision. It says, "coals, lignites, ores, and other mineral fuel substances belonging to or for the use of the United States." This duplicates that, as other provisions are duplicated in this bill. This matter ought to be submitted to the Bureau of Mines, or else the Bureau of Mines ought to be abolished, thereby saving the

Government the expenditure of that much money that is uselessly expended. What else are they there for?

Mr. PADGETT. The Bureau of Mines has been cooperating with the Navy Department in this investigation.

Mr. BOOHER. Do you propose to take this 885 tons of coal that you have mined at Matanuska and take it down at a cost of $100 a ton to Bremerton, to have it analyzed in order to find out how much heat there is to it?

Mr. PADGETT. No.

Mr. BOOHER. What do you propose to take it there for?

Mr. PADGETT. We propose to take it down to salt water and put it on the battleships and burn, not analyze it.

Mr. BOOHER. Is it necessary to take all that coal down and burn it? The hearings show that it costs $100 a ton to get it down there.

Mr. HAMILTON of Michigan. Mr. Chairman, may I ask the gentleman a question?

The CHAIRMAN. Does the gentleman yield?

Mr. PADGETT. Certainly.

Mr. HAMILTON of Michigan. I want to ask the gentleman if the Alaska Central Railroad, extending northward from Seward in the direction of Matanuska, is now running?

Mr. PADGETT. They have constructed about 70 miles.

Mr. BOOHER. I can answer that, gentlemen. It is a triweekly line.

Mr. PADGETT. About 70 miles are yet to be completed.

Mr. HAMILTON of Michigan. In order to get to the Matanuska fields they have to run about 25 or 35 miles farther north, and then perhaps 75 miles eastward.

Mr. BOOHER. Yes; and then run as far back in to the coal mines.

Mr. HAMILTON of Michigan. It was testified before the Committee on Territories when I was a member of that committee that this coal could be laid down at the seaboard at $5 per ton if there was transportation for it, and that the Government was then paying, as I remember, $12 a ton for Welsh or Pocahontas coal, which was no better than this coal.

Mr. PADGETT. Not as much; I think the coal on the Pacific coast, including freight, costs $8 to $10.

Mr. HAMILTON of Michigan. It was testified repeatedly that it was costing $12 for Pocahontas coal, freighted across the continent.

Mr. PADGETT. I think it varies from $7 to $8 by ship.

Mr. HAMILTON of Michigan. They were shipping this by rail.

Mr. PADGETT. I do not know about the cost of that.

Mr. HAMILTON of Michigan. Then, in the last analysis, this is only a question of transportation. If the Alaskan Central Railway was extended so as to reach the Matanuska coal fields, or there was a spur run up to the Bering River coal fields, about 35 miles, it has been frequently claimed that we would have practically an inexhaustible supply of good coal.

Mr. PADGETT. There was some gentleman, representing that railway, came to see me.

[The time of Mr. PADGETT having expired, by unanimous consent he was given five minutes more.]

Mr. MONDELL. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MONDELL. Did the gentleman from Texas reserve a point of order?

The CHAIRMAN. The gentleman from Missouri [Mr. BOOHER] reserved a point of order.

Mr. MONDELL. On the Alaskan coal item?

The CHAIRMAN. Yes.

Mr. PADGETT. These gentlemen said they had about 70 miles of railroad completed, and if it developed that the coal was suitable for the Navy they would complete their road, and then they could deliver coal at salt water at a saving to the Navy of not less than $1 or $1.50 a ton.

Mr. HAMILTON of Michigan. I have heard it claimed that the Government could be saved much more than that.

Mr. PADGETT. I am telling the gentleman what they said. I said I thought that if the railway was completed there should be a greater saving than $1.50 a ton, but the question that we are trying to get determined officially and satisfactorily is whether or not there is coal there in sufficient quantities and of a specified quality for the use upon the ships.

Mr. HAMILTON of Michigan. Is it impossible to test that coal on the ground or somewhere near the place of mining?

Mr. PADGETT. They say that it is. They say that the only satisfactory test will be to try it on the ships and see what it will do and the results that it will accomplish in the actual trial.

Mr. HAMILTON of Michigan. It is pretty expensive bringing coal out by dog sleds across the snow.

Mr. HOBSON. I will say to the gentleman that they have tested a limited number of tons of this coal and it gave good heating results, but it was a question whether it could be operated with the present grate bars. To determine whether the coal is suitable in a conclusive way it would be necessary to have a large amount of coal.

Mr. BOOHER. Is it not a fact that Admiral Cowles went into Alaska and made a contract for 2,000 tons of coal to be put aboard ship, closed his contract, and before they could get the coal on the ship the order was issued closing the coal mines there in Alaska?

Mr. HAMILTON of Michigan. Coal mines where?

Mr. BOOHER. Up in Alaska.

Mr. HAMILTON of Michigan. They have not opened any coal mines yet, have they?

Mr. BOOHER. Yes.

Mr. PADGETT. Admiral McKenzie testified in the hearings that the contract was made for 2,000 tons of coal and that before they could deliver the coal a question arose in the Interior Department, in the Land Office, as to the validity and regularity of these titles, and on account of that conflict of title the contractors were unable to deliver the coal on the contract, but it was no fault of the Navy Department.

Mr. HAMILTON of Michigan. I want to make this suggestion: I have been informed—and I think it is a part of the testimony before the Territories Committee—that the railroad running out from Fairbanks runs across coal beds, but they are not permitted to touch it and at the same time they are obliged to pay $15 a cord for wood.

Mr. BOOHER. I have no doubt about that.

Mr. PADGETT. But the important question with us is to know whether there is coal of sufficient quantity and of a specified quality suitable for the Navy. If there is, arrangements can be made to save the Government in transportation and in the cost of coal several hundred thousand dollars every year.

Mr. HAMILTON of Michigan. How many tons would it take to coal up a ship?

Mr. PADGETT. I do not know.

Mr. HAMILTON of Michigan. Would it not be sufficient if they could get coal enough to coal one ship and make the test on one ship?

Mr. PADGETT. I understand that they use from 300 to 500 tons on a ship.

Mr. HAMILTON of Michigan. I meant for a suitable test.

Mr. PADGETT. Mr. Chairman, we have 885 tons, and if we are to make a test we ought to make a satisfactory test.

Mr. HAMILTON of Michigan. How much coal can a dog team haul?

Mr. PADGETT. I do not know.

Mr. BOOHER. I think 500 pounds.

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

Mr. BOOHER. Mr. Chairman, I ask unanimous consent that his time be extended for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BOOHER. I want now to ask the gentleman this question: When Admiral Cowles made this contract to buy 2,000 tons of coal, what did he agree to pay for it?

Mr. PADGETT. I think they were to deliver it at about five to eight dollars a ton.

Mr. BOOHER. Six dollars a ton, was it not?

Mr. PADGETT. Somewhere along there.

Mr. BOOHER. Did not the witness testify before the gentleman's committee that if they had transportation and the right to mine the coal they could put that same coal at salt water for $4.25 a ton?

Mr. PADGETT. I do not remember whether he said $4 or around $5.

Mr. BOOHER. He said $4.25, finally.

Mr. PADGETT. I do not remember what it was. Mr. Chairman, if the point of order is to be made, I should like to have it made now, for I think we have consumed enough time.

Mr. THOMAS. Mr. Chairman, I wish to ask the gentleman from Tennessee if the last naval appropriation bill did not contain an appropriation of $75,000 for the purpose of testing Alaska coal?

Mr. PADGETT. It did.

Mr. THOMAS. Has all of that appropriation been expended?

Mr. PADGETT. Yes; practically all of it.

Mr. THOMAS. How many tons of coal was the total result of that expenditure of $75,000?

Mr. PADGETT. That has been stated—885 tons of coal, and then the purchase of the equipment to carry on the further test.

Mr. THOMAS. Where is that coal now?
Mr. PADGETT. It is at the Bering River mine.
Mr. THOMAS. At the mouth of the mine in sacks, is it not?
Mr. PADGETT. Yes.
Mr. THOMAS. Then that would have cost in round numbers about $89 a ton to mine that coal and place it at the mouth of the mine in sacks?
Mr. PADGETT. No.
Mr. THOMAS. Why would it not?
Mr. PADGETT. I have stated that a half dozen times. I have stated that the purchase of boats and equipment and fuel and transportation of men and everything of that kind were items that went in to establish a testing plant.
Mr. BOOHER. And you have not tested a ton of coal, have you?
Mr. PADGETT. No; we have not.
Mr. HUMPHREYS of Mississippi. Mr. Chairman, is it not a fact that a large part of that equipment was wrecked?
Mr. PADGETT. Yes; $15,000 of it in provisions was lost in a boat that sank. Mr. Chairman, I ask for the regular order. If the gentleman desires to make the point of order, I wish he would make it.
Mr. BOOHER. Mr. Chairman, I make the point of order.
The CHAIRMAN. Does the gentleman from Tennessee concede that this is new legislation?
Mr. PADGETT. I do not. Last year we carried an appropriation for this purpose, and this is a continuation to complete the work that was authorized, or to continue the work that was authorized last year. It is not new legislation.
The CHAIRMAN. The time of the gentleman from Tennessee has again expired.
Mr. OLMSTED rose.
Mr. BOOHER. Mr. Chairman, I will withhold the point of order for a moment in order that the gentleman from Pennsylvania may be heard.
Mr. OLMSTED. I thank the gentleman from Missouri for his courtesy. I desire merely in a few moments to say that I, having been elected thereunto by the House, had the fortune or the misfortune to sit upon the Ballinger-Pinchot committee. We heard a vast amount of testimony concerning coal in Alaska. It was argued before us that there was so much coal there and so valuable that a half interest in 5,280 acres was worth $100,000,000. Of course, that was wildly extravagant. The testimony did show, however, that there is a great, vast acreage of land in Alaska containing coal. Some of it is not of very desirable quality, while in other parts there seems to be very excellent coal. The fact is that there is so much scandal concerning the Alaskan coal fields that Congress has not dared to pass any act which would authorize anybody on any reasonable terms to buy or lease or conduct the mining of coal on Government lands in Alaska. The result is that people living right on top of immense coal beds have been compelled to pay from $14 to $24 for coal for fuel. That is an outrage. It is inexcusable we leave anybody in that position that their coal must come from such a great distance that with the freight they have to pay from $12 to $24 a ton.
Mr. BOOHER. If the gentleman will permit, just as long as Congress makes this kind of an appropriation for coal in Alaska the condition that the gentleman describes will be permitted to remain as it is there; there will be no change up there.
Mr. OLMSTED. There ought to be a determination of the quality of the coal up there, and then there ought to be general legislation which would permit private capital to get out that coal and sell it and reduce the price to a reasonable rate to the people who are consuming it.
Mr. BURNETT. What is the reason the Bureau of Mines does not do that with the $135,000 carried in the sundry civil bill which we passed?
Mr. OLMSTED. I do not think they have sufficient appropriations to make an exploration of Alaska.
Mr. BURNETT. It would not if it takes $75,000 to do what seems to be intended.
Mr. OLMSTED. This would help to do it, and therefore I am in favor of it. I think that the Navy could obtain its coal at half the present prices up in that county if there were an investigation, and if this coal were opened up and made available to use.
Mr. MANN. Will the gentleman yield?
Mr. OLMSTED. With pleasure.
Mr. MANN. Is it more important for the Government to get coal in the Navy than it is for the people of Alaska to get coal to burn at home or for the people on the Pacific coast to get Alaskan coal?
Mr. OLMSTED. I do not think it more important—I do not think it nearly so important that the Government shall get coal as the people. But this is a Navy bill, and I was speaking more directly to the effect of this appropriation upon the Navy, and its effect will ultimately be to the benefit of the people living in Alaska.
Mr. MANN. Has the gentleman examined the recent report of the commission provided in the Territorial bill of last year just submitted to Congress?
Mr. OLMSTED. I have not yet had an opportunity of reading it.
Mr. MANN. Well, we appointed a commission last year in the bill creating the Territorial Legislature of Alaska, one naval officer and some other gentlemen, who have just submitted a report, which I believe has been already transmitted to the Congress by the President, on the subject of coal transportation in Alaska in order to open up the coal fields. On the whole, would it not be a little wiser to wait until we take the first step before we take the last step in reference to getting coal?
Mr. OLMSTED. Well, that might probably be, but it is time we take the first step.
Mr. MANN. I fully agree with the gentleman.
Mr. OLMSTED. It seems to me this would be about the first step.
Mr. MANN. How?
Mr. OLMSTED. In the first place, they want to investigate and find if it is suitable coal for the Navy and how they can get out the coal.
Mr. MANN. Oh, no. How will they do it?
Mr. OLMSTED. I suppose they would get out a lot of samples.
Mr. MANN. The only way to get the coal would be to send a mining crew, or whatever you call it, into the fields of Alaska and take out a small amount of coal if there is any there and carry it down upon dogs or something else to the coast.
Mr. OLMSTED. In some way they would get it done, and until something of that kind is done there will be nothing done.
Mr. MANN. If that new coal was satisfactory, what good would that do? We can not get it out for use until we provide a method for transportation.
The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. OLMSTED] has expired.
Mr. OLMSTED. Mr. Chairman, I would like to have five minutes more.
The CHAIRMAN. The gentleman from Pennsylvania [Mr. OLMSTED] asks unanimous consent for five minutes more. Is there objection? [After a pause.] The Chair hears none. The Chair asks the gentleman from Pennsylvania [Mr. OLMSTED] if he contends this provision is not subject to a point of order?
Mr. OLMSTED. I was not, if it please the Chair, discussing the point of order, as the gentleman from Missouri [Mr. BOOHER] kindly yielded to me, reserving his point of order to allow me to be heard on the merits of the provision. If it is as the gentleman from Tennessee suggested——
Mr. HAMILTON of Michigan. Mr. Chairman——
Mr. OLMSTED. Mr. Chairman, I yield to the gentleman from Michigan [Mr. HAMILTON].
Mr. HAMILTON of Michigan. In partial answer to the suggestion of the gentleman from Illinois [Mr. MANN] I wanted to make this suggestion to the gentleman from Pennsylvania [Mr. OLMSTED]: The Matanuska coal field is probably something like 75 miles northeast of the northern terminus of the Alaska Central road, so far as it is extended at this time, so that it would be necessary to haul coal by dogs 75 miles, say, to a point where it can reach the railroad, and it is claimed that if it is found that the coal can be used, then the Alaska Central Railroad would extend its road to the Matanuska field, and therefore that much farther northward in the direction of Fairbanks. That would be a decided gain in the way of transportation for Alaska, certainly.
Mr. OLMSTED. Certainly it would.
Mr. WILLIS. Will the gentleman yield to me for a question? I want to suggest to the gentleman from Michigan [Mr. HAMILTON] in further answer to the suggestion of the gentleman from Illinois [Mr. MANN] that it would be entirely possible to test the Bering River coal, without much of this expense of transportation by dog team as referred to, because there is a railroad in relatively close proximity thereto, and this money can be economically expended.
Mr. HAMILTON of Michigan. I think the gentleman is mistaken about the distance, if he will pardon me.

Mr. OLMSTED. I would like to occupy a little bit of my time.

Mr. HAMILTON of Michigan. Just a moment.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. OLMSTED] asks to be permitted to continue without interruption.

Mr. OLMSTED. Mr. Chairman, if this coal is found to be desirable coal, as I believe it will be found, there will be no trouble about its transportation. If we will not pass such legislation as would warrant people in taking up the land and constructing means of transportation, then the Government itself had better build some short line of transportation in order to get the coal for its own use and enable the people of Alaska also to get cheaper fuel. But there is no trouble about getting transportation. There is capital quite willing to provide transportation and also quite willing to open and operate coal mines if Congress will only enact reasonable legislation permitting that to be done. I hope the gentleman will not insist upon his point of order. If, as the chairman of the Naval Committee suggests, this is a continuation of a work already commenced—a Government project already commenced—of course, it would not be subject to a point of order. Of the facts of the matter I am not fully advised. I hope the gentleman will not press the point of order.

Mr. MONDELL rose.

Mr. OLMSTED. I yield to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. I thought the gentleman had yielded the floor.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. OLMSTED] has expired.

Mr. PADGETT. Mr. Chairman, I demand the regular order.

Mr. MONDELL. Mr. Chairman, I desire to discuss the point of order.

The CHAIRMAN. The Clerk will read.

The Clerk proceeded to read.

Mr. SISSON. Mr. Chairman, I move to strike out the last word. I did not understand what the Chair had done.

The CHAIRMAN. The point of order is sustained.

Mr. MANN. A parliamentary inquiry, Mr. Chairman. To what was the point of order made—to the entire paragraph?

The CHAIRMAN. The point of order was sustained to the language beginning in line 11, page 20, to the words:

Seventy-five thousand dollars of said sum, or as much thereof as may be necessary, may be used for the survey and investigation by experimental tests of coal in Alaska for use on board ships of the United States Navy, and for report upon coal and coal fields available for the production of coal for the use of ships of the United States Navy or any vessel of the United States.

Mr. MURRAY. Mr. Chairman——

Mr. SISSON. Mr. Chairman, I have the floor and move to strike out the last word.

Mr. MURRAY. Mr. Chairman, does the language that the Chair just read go out on a point of order which he sustained?

The CHAIRMAN. Yes.

Mr. SISSON. If that $75,000 goes out on a point of order, then the gentleman ought to correct the total and take the $75,000 from it. But before I give up the floor, I want to state that I notice in the hearings that the transportation of coal costs more than twice as much as the original cost of the coal.

It strikes me that if the $75,000 had remained in the bill, it might have been for economy, because the naval officers state that they could not, nor would they adopt any particular coal until they were absolutely assured that it would be suitable for steaming purposes in time of war.

Now if, as a matter of fact, the transportation is, as I have no doubt it is, as the admiral says, then the transportation of every ton of coal from the eastern mines to the Pacific coast is more than twice the cost of the coal, and if the coal in Alaska could be tested you could save this enormous amount. I will now ask the gentleman from Tennessee [Mr. PADGETT] if about half, or a little more than half, the entire appropriation for coal is not expended for the transportation of the coal on the Pacific coast?

Mr. PADGETT. Over a million dollars of it is expended in transportation.

Mr. SISSON. Then, if these figures are correct, every ton of coal going into the Pacific coast costs three times as much as the cost of the coal itself?

Mr. PADGETT. Twice as much.

Mr. SISSON. For that reason I believe the committee acted wisely, although this money may not be expended as economically as it should be expended; because if any of these gentlemen had charge of these naval vessels, they would not undertake to fill their bunkers and their naval stations from the Alaska mines until they could be assured that this coal was suitable for use in time of war.

Mr. PAGE. Mr. Chairman, as a matter of fact, is not a large amount of the appropriation made for the Bureau of Mines intended for the purpose of testing the coal that is burned in the Navy?

Mr. PADGETT. I understand so.

Mr. SISSON. That may be true, but the Navy ought to make its own tests. The men in charge of the boilers on the ships and the men on the ships and the expert stokers and the steam people ought to have charge of it. But because it is well understood that climate has a great effect on coal and on its thermal energy, such conditions ought to be tested by the Bureau of Mines. But I doubt the propriety of sending men from the Bureau of Mines to those naval vessels.

Mr. PAGE. As a matter of fact the Bureau of Mines sends its men to every battleship when the coal is to be tested.

Mr. MONDELL. Mr. Chairman, did the gentleman from Mississippi [Mr. SISSON] make a motion to reduce the item?

Mr. SISSON. I made a motion to strike out the last word, but in a moment I will make the motion to reduce the item. But I believe the item should remain in the bill, because this test of coal would give sufficient knowledge to Congress to enable it to determine whether it should authorize the construction of a railroad to get into the mines.

Mr. HAMILTON of Michigan. Mr. Chairman, will the gentleman yield for a question?

Mr. SISSON. I will.

Mr. HAMILTON of Michigan. Is it not true that under present conditions the coal used in the Pacific is transported across the continent or shipped from Wales?

Mr. SISSON. I do not know whether that is true or not.

Mr. HAMILTON of Michigan. And if that is true—and I think it is true—we are paying the freight on the transportation of every ton of that coal across the continent or on the water haul from Wales to the place where we use it.

Mr. SISSON. That is what I complain about.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SISSON. Mr. Chairman, I ask unanimous consent to have one minute more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. KAHN. The coal that is used on the Pacific coast comes from Maryland, principally from Georges Creek, and very little of it comes from Wales. It is shipped around the Horn in vessels, and is taken from Georges Creek and from New Creek and several places around here. It is known as Pocahontas coal. That is used largely on the ships.

Mr. SISSON. I understand that. That is what I am objecting to. If the Pacific coast coal can be used for this purpose, it should be used.

Mr. KAHN. I agree with the gentleman fully on that.

Mr. HOBSON. Mr. Chairman, has not this provision gone out on a point of order?

The CHAIRMAN. It has, and the debate that has been proceeding is not relevant to anything that is before the House.

Mr. SISSON. Mr. Chairman, I move to strike out the last word.

Mr. HOBSON. But it has gone out. There is no last word or first word.

Mr. SISSON. Now, Mr. Chairman, I move to amend the paragraph, in line 19, by striking out "$5,000,000" and inserting "$4,925,000."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Mississippi [Mr. SISSON].

The Clerk read as follows:

At the end of line 17, page 20, strike out "$5,000,000" and insert in lieu thereof "$4,925,000."

Mr. MONDELL. Mr. Chairman, I hope the amendment may be adopted. I do not believe that the sum appropriated last year was put to any good use. I do not believe that the sum carried in this bill can be used to any useful purpose. We all know that there is coal in Alaska fit for naval use. No inquiry or test is necessary to prove that. There is coal with sufficient fixed carbon, low enough in ash, in moisture, and of the quality to make a perfect naval coal. The question is, How much is there of it and how much will it cost to mine and transport it? Those questions can not be economically or intelligently decided by the Navy. The questions of quantity and transportation are being investigated under another appropriation. The Bureau of Mines can give us an opinion as to the quantity of coal fit for naval use, and the question of

transportation will not be met until Congress legislates upon Alaskan coal, either providing for or encouraging transportation. This expenditure is therefore useless, unnecessary, and can serve no good purpose.

Mr. KOPP. Will the gentleman cite us to the source where we can find the information as to the quality of Alaskan coal?

Mr. MONDELL. The gentleman can find any number of analyses of Alaskan coal.

Mr. KOPP. Where can they be found?

Mr. MONDELL. In the Bureau of Mines, in the Navy Department, and in the Interior Department, and they show that there is Alaska coal high in fixed carbon, low in ash, low in moisture, and high in heat units. Now, that decides the question as to whether the coal is available for naval use or not. Is it clean coal? Does it produce a large amount of steam for the volume of the coal?

Mr. KOPP. Will the gentleman yield for one more question?

Mr. MONDELL. Yes.

Mr. KOPP. Has there ever been a report by any bureau to the Navy Department, or anyone who is thoroughly posted on the question of coal that the Navy uses, to the effect that this coal is suitable for naval uses, and if so by whom was it made, and where can the report be found?

Mr. MONDELL. I do not know if such report has been made, and my opinion is none is necessary. In my opinion the Navy never will be quick to decide on any new coal for naval use. The Navy is perfectly content to use the coal it has tested. The naval officers are not interested in questions of economy or in the question of the development of Alaska. They are interested in having a coal that has been tested, that they are confident of, that they can depend upon under battle conditions; you never will get from the Navy favorable reports on Alaska coal until they are satisfied beyond all pervadventure as to the quantity, availability, and quality, and they never can decide all these questions under this appropriation.

The CHAIRMAN. The question is on the amendment of the gentleman from Mississippi.

The amendment was agreed to.

Mr. MURRAY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Massachusetts.

The Clerk read as follows:

Amend by adding at the end of line 17, page 20, the following proviso: "*Provided*, That no part of this appropriation shall be expended in time of peace for transporting coal from the Atlantic to the Pacific Oceans for the use of naval vessels or navy yards on the Pacific Ocean, except this limitation shall not apply to vessels crossing the Pacific Ocean or stationed in the Hawaiian Islands or the Philippine Islands, or to navy yards situated in these islands."

Mr. MURRAY. Mr. Chairman, this is not my amendment originally, but it is the same amendment offered a year ago on the naval appropriation bill by the gentleman from Washington [Mr. HUMPHREY]. He made at that time a statement of facts which greatly impressed me as to the possibility of saving a large amount of money, and for the purpose of bringing the matter clearly before the committee I have taken the liberty of offering the amendment.

The facts as stated by him are that it now costs the Government of the United States between one and two million dollars to transport coal from the eastern border of the United States to the western coast. The facts as presented to the committee were that the transportation of coal is at a cost of $6.50 a ton, whereas the Pacific coast coal could be laid down at the Bremerton Navy Yard at $4 a ton; that the transportation alone for sending a ton of eastern coal around to that western country was $2 to $2.50 more for transportation than the entire cost of a ton of coal laid down at the Bremerton Navy Yard.

Now, I am a large-navy advocate, because I have been to my people on that matter in the first campaign I made for nomination for Congress, and it is because of that campaign and my sincere belief in the idea of the two-battleship program that I am going to vote in this bill for that item as reported by the committee. But I am just as strong in my desire for wise economy as any man in the House of Representatives, and when I see an opportunity that may save a million or two million dollars, I believe it is my duty to bring it to the attention of this committee. I suggest that we consider, therefore, the amendment introduced a year ago by the gentleman from Washington.

Mr. HOBSON. Will the gentleman yield?

Mr. MURRAY. I will yield to the gentleman from Alabama.

Mr. HOBSON. Has the gentleman looked up carefully the actual experiments and investigations made by the Navy Department?

Mr. MURRAY. I have looked them up as carefully as I could from the debates of last year, and I saw something that the gentleman from Alabama himself said. I will read it:

I wish to register here a complaint that the Navy Department is not encouraging the development of appliances so that it can use the other coals. When it found, for instance, that the coal in Alabama approximated to the needs of the Navy it would have been in the line of economy and the best interests of the Government to have undertaken to develop smoke-consuming devices and other devices, so that the department could then use Alabama coal.

The same applies to the Pacific coast coal, not only that mined on the mainland but that in Alaska, and the Navy Department has not shown great interest in developing additional sources of supply that would prove of great, if not vital, importance in time of war, and we are put to millions of dollars of expense, perhaps, unnecessarily.

Now, Mr. Chairman, the gentleman from Alabama in that statement refers to Alabama coal, and he comes from Alabama. The gentleman from Washington comes from that section, and he may have some local interest in the concern in this matter, and it is perhaps wise to have the amendment come from some one who has no interest in the industry, and I can say that I have no local interest in the coal proposition.

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

Mr. MURRAY. Certainly.

Mr. MANN. I have read the gentleman's amendment, and I do not catch exactly what the purpose is.

Mr. MURRAY. It is to prevent the expenditure of a million or two million dollars in the transportation of coal from the eastern section of the United States around for use on the western coast, when it is believed that they might be able to get coal out there of a good degree of efficiency at a great saving. It is not my language; I do not know anything originally about the proposition except as I have learned since I served in the House of Representatives. But it did strike me last year, and does now, as a serious proposition. I discussed it with the gentleman from Alaska [Mr. WICKERSHAM], who is not now here because the first Alaskan Territorial Legislature is now about to meet, and he is on his way there, as he has a right to be, because he was such a great force in getting the Territorial form of government for Alaska.

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

[By unanimous consent, Mr. MURRAY's time was extended three minutes.]

Mr. HOBSON. Will the gentleman yield?

Mr. MURRAY. Certainly.

Mr. HOBSON. Taking the amendment as it reads, I want to ask the gentleman from Massachusetts, irrespective of the Navy Department activities in these experiments and investigation, if his amendment should prevail and the Navy Department were prevented from transporting any coal to the Pacific Ocean to-day, where would he get the coal for the Pacific Fleet?

Mr. MURRAY. I do not know.

Mr. HOBSON. I will say to the gentleman, in order to answer my own question, that I have not been satisfied with the activities of the Navy Department and of the Government at large in the matter of the development of the investigation of its coal fields, like the investigations in other lines in the Navy, including ordnance and other matters.

They have given assurance that at the earliest possible moment, when they can be satisfied that coal is available for Navy purposes from a Pacific Ocean field, they will make reasonable sacrifices to introduce it into the Navy.

Mr. MURRAY. Mr. Chairman, I can not yield any more. The gentleman from Alabama [Mr. HOBSON] in his very able speech of Saturday last predicated his argument on the proposition that we were going to war, that we were not going to stay at peace. Assuming his proposition to be sound, that we are looking at these problems or ought wisely to look at them from a warlike basis, where would we get the coal in time of war if we were at war on the Pacific coast? How would we get the coal in that event? Would we not then have to develop the Alaskan coal fields, which I understand are rich with these coal deposits, and get away from the policy that has been harsh and restrictive on the people of the Pacific coast? Of course we would.

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

Mr. HOBSON. Mr. Chairman, I wish simply to add to my question to the gentleman from Massachusetts [Mr. MURRAY] that the Navy Department's last report, after testing, if I remember correctly, about 20 tons of Alaskan coal, was that it would burn very well and had a good heating value, but that when you come to use the slicebar, or to put on the forced draft, a goodly portion would go into the ash pit and up the

smokestack, and it would require a further test before they could give their consent to rely upon it in time of war.

The gentleman from Massachusetts [Mr. MURRAY] has struck the real issue when he refers to a condition of war. We are establishing coaling stations at this time in the Pacific Ocean, and those coaling stations ought to be stocked with high-grade coal, to be available in time of war, for the very reason that transportation would be so difficult at that time. If this amendment were to prevail, it would absolutely forbid the use of high-grade coal in the Pacific Ocean unless it were brought from Europe; it would absolutely prevent the stocking of the station at Pearl Harbor, the station in the Philippines, or of having coal of a high grade that would be available in time of war, even in our mainland harbors, unless bought abroad.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

Mr. HOBSON. Certainly.

Mr. MONDELL. Does the gentleman know why the department declines to use these other coals in time of peace, to any considerable extent?

Mr. HOBSON. That is partly due to the fact that in time of peace we want the Navy to be ready for war. It is not like the use of target shells. You can use a low-grade shell for target practice and get practically the same result, so far as the target practice is concerned, as with a high-grade shell.

Mr. MONDELL. Yet the gentleman knows that we will always have some little notice of a great war, and the ordinary maneuvering of the naval vessels along the Pacific coast could be accomplished much more economically by the use of the local fuel.

Mr. HOBSON. The gentleman will find that scarcely any government in the world supplies its navy in time of peace with a low-grade coal. I do not mean to say that all of the coal out there is low grade. That is not my conclusion, but the Navy Department's standard, even for use in time of peace, has not yet been reached by the coals available as yet, at least under the tests so far made.

Mr. COX. Does the gentleman feel that we are fast approaching the time when we will abandon the use of coal entirely for oil?

Mr. HOBSON. I think the use of oil is rapidly developing, and that we will be able to find large oil deposits on the Pacific coast.

Mr. COX. Does not the gentleman think that in a very few years that will be the result?

Mr. HOBSON. I think there will be a combination of coal and oil.

Mr. COX. Which makes the best heat, oil or coal?

Mr. HOBSON. Oh, the firing of oil has so many advantages that when it can give satisfactory results it will be generally adopted.

Mr. KAHN. Mr. Chairman, will the gentleman yield?

Mr. HOBSON. Certainly.

Mr. KAHN. Can the gentleman inform us what kind of coal the Japanese Government uses for its war vessels in time of peace? Is not that a low grade of coal, a native Japanese coal?

Mr. HOBSON. Mr. Chairman, I can simply give the gentleman my impression. My impression is that it is a high-grade coal though a native coal, and that they keep their coaling stations stocked with the highest grade Welsh coal. It is my impression that they use a local coal in time of peace, a coal found up in their recently acquired territory in southern Manchuria. I will also say to the gentleman that that Manchurian coal does come up to their requirements of efficiency for time of peace. Our Navy Department has not yet come to the conclusion that any coal supply thus far developed on the Pacific coast reaches those requirements.

Mr. KAHN. Mr. Chairman, I have had occasion to investigate the matter of bringing coal to the Pacific coast in recent years. The most of the coal that is sent to the Pacific coast for use of the Navy comes from fields near here; from fields known as the Georges Creek and New River fields. The coal they yield is known as Pocahontas coal. The department contends that it is the most effective coal that we can get other than Welsh coal. The department occasionally secures a cargo of Welsh coal that is sent as ballast in vessels that come under sail to the Pacific coast. A tramp steamer will also bring a cargo of Welsh coal occasionally. Now, some years ago an effort was made by owners of American ships to carry the Pocahontas coal to the Pacific coast, but the department officials contended that the cost of transportation in American ships was so much greater than it was in foreign bottoms that they decided to continue sending it out there in foreign ships. Then an effort was made by the Pacific coast people to have the coal mined on the Pacific coast utilized by the Navy Department.

The department has constantly contended that this latter coal has not a sufficient heat-producing force to warrant its doing so; and yet Japan, on the other side of the Pacific, is using a native coal for its own navy in time of peace. The amendment offered by the gentleman from Massachusetts would allow the Navy Department to use the native coal mined on the Pacific coast in our Navy in time of peace.

Mr. SHERLEY. Will the gentleman permit?

Mr. KAHN. So far as stations on the Pacific coast are concerned, the high-grade coal could be shipped to them for war purposes; there is no doubt of that. And the native coal could be used in time of peace, because its use would result in a great saving in transportation to the coast. Now, I yield to the gentleman from Kentucky.

Mr. SHERLEY. Does not the gentleman think it is rather foolish for us to undertake to determine the question of the coal supply when in less than a year, by the opening of the Panama Canal, you will have made obsolete every fact in connection with coal rates of to-day?

Mr. KAHN. I do not think the opening of the Panama Canal will make that obsolete. I think most of the coal will still be sent to the Pacific by sailing vessels, because they will be able to carry it at a lower rate.

Mr. SHERLEY. It will certainly affect the price of coal on the Pacific.

Mr. KAHN. It may to a certain extent; and yet I think coal will undoubtedly continue to be sent in foreign sailing vessels and in foreign tramp steamers just as it has been done heretofore. The Government attempted to utilize some American bottoms, but the price charged was too high, and when Col. Roosevelt was President he made a ruling that if an American owner of a vessel would be willing to take coal at the price offered by the foreigner plus 50 per cent he would prefer to give it to the American ships. For a while a number of American ships did carry coal, but ultimately the foreign shipowners reduced the rate so low that even with the 50 per cent added the American vessels could not make a profit in taking the coal. That is the situation to-day. The foreign vessel owners reduced prices to $3.50 a ton. It practically drove every American ship competing with that trade out of the market, and now, having gotten rid of American ships, they have increased the price to $6 a ton. That is the very condition we predicted would result at the time we made our protest against the action of the department in utilizing foreign ships to the exclusion of American ships.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PADGETT. Mr. Chairman, I move that all debate upon the paragraph and amendments thereto be closed in five minutes.

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

Mr. LITTLEPAGE. Mr. Chairman, if the membership of this House desires to cripple the Navy Department of our Government and cripple the usefulness of our naval fleet in the Pacific Ocean, adopt this amendment. Two years ago this amendment was offered. A year ago it was offered again to the then pending naval bill, and defeated. By this amendment it is sought to make it appear this scheme is sought; that by its adoption to make believe the Government would save $1,000,000 yearly in money we have been paying for the transportation of coal between the Atlantic and Pacific Oceans in railroad rates. That is not true from any point of view. You will find upon investigation that the great bulk of the coal is not shipped by railroad but shipped by water. This amendment is in the interest of the Pacific coal combine or interest, and I say that without any intentional harsh criticism upon my part of any Member of this House——

Mr. MURRAY. Will the gentleman yield?

Mr. LITTLEPAGE. I can not yield. If the membership of this House will take the time to consider and read the report coming from the Navy Department a year ago, they will find that it is impracticable to use the Pacific coast coal either in time of peace or war, for the reason it burns out the grate bars of the vessel almost as fast as they can be put in; for the reason it does not and will not produce the necessary amount of steam in any given time; and you will find by the report that of the eastern coal, to be found only in New River, W. Va., Elkhorn, Va., and Maryland. 1 ton produces quite as much steam as 2 tons of Pacific coast coal, and in the long run its use is a net saving to the Government, including freight and all expense, of about $1.50 per net ton. This coal can not be equaled.

Mr. CALLAWAY. Will the gentleman yield?

Mr. LITTLEPAGE. I can not yield. I trust the gentleman will pardon me; time is precious. That Pacific slope coal results in heat for a short time, and then it forms in tremendous clinkers, requiring the service of an extra hauler to pull the clinkers out of the furnace. This whole matter was gone into by the department in the report to this House a year ago, and I will quote for your benefit in substance the principal portion of that report by a later insertion in the RECORD. It is enough to say here that the saving to this Government by continuing the use of the New River smokeless coal should appeal to your economists of this Congress, if you really want to practice what you preach. Defeat this amendment and you will save $250,000 to $400,000 per year in time of peace; in time of war millions per year. Our coal does the work, produces the steam quicker and more lasting than any coal in the civilized world; this is the Government test, and can not be questioned nor duplicated.

This amendment went through the House some years ago. It was with difficulty that the Navy Department obtained its elimination in the Senate. When it came up in this House a year ago it was overwhelmingly defeated. The coal utilized by the Government from the eastern region comes from the New River fields in West Virginia, and the Elkhorn fields, and from the Maryland mines also. It is of the finest quality of steam-producing coal on this continent. It is that coal which the United States Government wants; it is that coal the Navy Department needs, and is obliged to have, to insure the management of the naval vessels plying on the Pacific Ocean. It was urged here some years ago on the floor of this House that there was a combination between the Navy Department and the eastern coal operators. I went into that matter as thoroughly as I could, and I am here to tell this Congress that that statement was an injustice both to the Navy Department and to the eastern coal interests whose property is being shipped to the Pacific slope. As a matter of fact, the eastern coal operators realize less than 70 cents a ton on their coal shipped. It is the very best coal they have or to be had. It is the best coal in this country. If you want to hurt the Navy Department, pass this amendment, but if you want to add to its efficiency, defeat it. Stand by your convictions and the best interests of this Government and all will be well at home and abroad.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. MURRAY].

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

Mr. MURRAY. Division, Mr. Chairman.

The committee divided; and there were—ayes 28, noes 55.

So the amendment was rejected.

Mr. OLMSTED. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 20, line 17, by striking out "$5,000,000" and inserting in lieu thereof "$4,990,000, of which not exceeding $65,000 may be used for the investigation of coal in Alaska, and report as to its availability for transportation and use on vessels of the United States Navy."

Mr. MANN. I make the point of order against the amendment.

The CHAIRMAN. The Chair will call the gentleman's attention to the fact that the amount has been changed from $5,000,000 to $4,925,000.

Mr. MANN. That amendment has been adopted and can not now be changed.

Mr. OLMSTED. I was not aware that the amendment had been adopted.

The CHAIRMAN. It has been adopted.

Mr. OLMSTED. Then I withdraw my amendment.

Mr. MONDELL. Mr. Chairman, I offer an amendment as a proviso at the end of the paragraph.

The CHAIRMAN. The gentleman from Wyoming [Mr. MONDELL] offers an amendment, which the Clerk will report.

The Clerk read as follows:

That in the expenditure of this appropriation fuel produced in the western portion of the United States shall be used on the Pacific so far as the use of the same shall be economical and practical.

Mr. MANN. Mr. Chairman, I make a point of order against that.

The CHAIRMAN (Mr. SHERLEY in the chair). The Chair sustains the point of order. It is clearly new legislation. The Clerk will read.

The Clerk read as follows:

Section 1552 of the Revised Statutes of the United States, authorizing the Secretary of the Navy to establish, at such places as he may deem necessary, suitable depots for coal and other fuel for the supply of steamships of war, is hereby repealed.

Mr. FOWLER. Mr. Chairman, I reserve a point of order on that paragraph. I desire to ask the chairman of the committee if this sum was not carried in the bill a year ago?

Mr. PADGETT. No. There is a general appropriation which has been carried for a number of years of $500,000, to be expended by the Secretary of the Navy, in his discretion, to establish coal depots under the authority of this section. We found upon investigation that various coal depots have been established and abandoned. One at Frenchmans Bay, with about $900,000 expended, with only 20,000 tons of coal in its whole history. There was one at Dry Tortugas, of about $500,000; it is abandoned. There was one at New London, Conn., at something like $500,000, making altogether $1,800,000 in those three establishments that since 1908 have been established and abandoned. The committee felt that this statute should be repealed, and if it is desired to establish a new station the authority of Congress should be first obtained.

Mr. COX. Will the gentleman yield?

Mr. PADGETT. Yes, sir.

Mr. COX. I see that section 1552 provides—

The Secretary of the Navy may establish at such places as he may deem necessary suitable depots for coal and other fuel for steamships of war.

Now, it is the gentleman's opinion, is it not, that if this section be repealed it will be ultimately in the interests of economy?

Mr. PADGETT. Beyond all question.

Mr. COX. Under this section which the gentleman proposes to repeal complete power is given to the Secretary of the Navy to establish coaling stations wherever he sees fit.

Mr. PADGETT. And without consulting Congress.

Mr. COX. And if this be repealed, hereafter when he establishes a coaling station he will have to get the permission of Congress to do it?

Mr. ROBERTS of Massachusetts. The whole purport of the repeal is to compel the department to come to Congress and point out the necessity for the station and what it would cost.

Mr. COX. I think the incorporation in the bill is a wise provision.

Mr. FOWLER. I had in mind that the same provision was carried in the bill a year ago.

Mr. ROBERTS of Massachusetts. It is the first time it ever has been done.

Mr. FOWLER. I desired to have it eliminated if it was carried in the bill a year ago. But on examination I find that it was not carried in the bill, and I therefore withdraw the point of order.

The CHAIRMAN. The gentleman from Illinois [Mr. FOWLER] withdraws his point of order.

Mr. MANN. And I reserve a point of order.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] reserves a point of order.

Mr. MANN. I desire to ask the gentleman from Tennessee [Mr. PADGETT] if any navy yards have been abandoned?

Mr. PADGETT. Two have been discontinued. The one at New Orleans and the one at Pensacola have been discontinued, and I think there are one or two others that should be discontinued. I reported in a bill, either in the last session or in the year before, a recommendation to that effect, and upon discussion in the House they went out. A point of order was made against some of them on the ground that the committee would take up the matter and try to give a comprehensive consideration of the subject, and they want to do that in the next session.

Mr. ROBERTS of Massachusetts. Mr. Chairman, will the gentleman yield for a moment?

The CHAIRMAN. Does the gentleman yield?

Mr. PADGETT. Yes.

Mr. ROBERTS of Massachusetts. I want to suggest to the gentleman from Illinois [Mr. MANN] that the Secretary of the Navy has no authority under any general law to establish a navy yard. It can only be established by coming to Congress.

Mr. MANN. That is not information to me. But the Secretary of the Navy has abandoned some coaling stations, because he did have authority to abandon them or to establish new ones. But when the Secretary of the Navy has not authority to establish a new one, the committee will not abandon it, and it becomes a logrolling process on every occasion.

Mr. PADGETT. I will say to the gentleman that the committee expects to take up that matter of navy yards and go into it very thoroughly at the next session.

Mr. MANN. Yes; and I heard the chairman of the Committee on Naval Affairs make that same statement 10 years ago.

Mr. PADGETT. Well, it was a different chairman. [Laughter.]

Mr. MANN. Yes; it was a different chairman, but it was practically the same committee, with practically the same men on it that are there now.

Mr. PADGETT. No; there are six new ones on it.

Mr. MANN. But they are not running this bill.

Mr. PADGETT. No; not all of them. [Laughter.]

Mr. MANN. Now, what the gentleman has in mind, I take it, is that the committee will select where a coaling station is to be located. The gentleman is aware, if this provision goes out of the bill and the gentleman provides in an appropriation bill a provision for a new coaling station, that it becomes subject to a point of order at once. There is no item for establishing new coaling stations in the law.

Mr. ROBERTS of Massachusetts. Would it not be possible to logroll against the new provision? Would not a point of order lie against it?

Mr. MANN. Yes; it would. It would lie against it in the House. But the items that go out will come back, and when they are once in we shall be just as powerless to abandon a useless coaling station or a useless navy yard or a useless magazine as we shall be to abandon any other of the unnecessary naval accessories, most of which ought to be abandoned in the interest of economy. Now, the gentleman knows perfectly well, so far as the appropriation is concerned, that the Secretary of the Navy can not establish a coaling station without money.

Mr. PADGETT. Let me say to the gentleman at that point that every year the Secretary submits an estimate for $500,000 to enable him to execute the provisions of that statute. He will use a part of it on an existing one and a part of it to start another one, and then he will come back the next year and ask to start still another one.

Mr. MANN. That depends on how complaisant the committee is. This year the Secretary submitted an estimate of $500,000, but the committee did not give him one cent under that provision of law.

Mr. PADGETT. Yes; but we limited it to the purpose which he says in this letter he wanted to apply it to.

Mr. MANN. You can always do that if you want to. It is not necessary to strike this authority out in order to follow that practice, and the Naval Committee every year ought to make the Secretary of the Navy state just where the money is to be expended. If that has not been the practice of the Naval Committee in the past, they have been negligent.

Mr. PADGETT. It has been the practice for several years past.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ROBERTS of Massachusetts. I move to strike out the last word.

The CHAIRMAN. Does the gentleman from Illinois [Mr. MANN] make the point of order?

Mr. MANN. I make the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. ROBERTS of Massachusetts. Will the gentleman reserve his point of order for a moment?

Mr. MANN. I will reserve it if the gentleman desires me to.

Mr. ROBERTS of Massachusetts. Mr. Chairman, I want to explain to the gentleman that under the operation of this law the Naval Committee, while I have been a member of it, has never been notified of the proposed establishment of a coal depot, because it was not necessary under that law. The Secretary has gone ahead, acquired the land, made his contracts, and then at the succeeding session of Congress has put in an estimate for the amount of money that was necessary, and in that way the Naval Committee could do no less than to provide the funds to carry out the contract which the Secretary, under the law, was authorized to make. Now, if the gentleman will withdraw his point, and let us vote on this amendment, then if we change the law the Naval Committee and Congress will have full information in advance of any appropriation or any obligation on the part of the Government with regard to new coaling depots and sites.

Mr. MANN. Do I understand the gentleman to say that the Secretary of the Navy in submitting his estimates and appearing before the committee states how the half million dollars is to be expended, and then goes on and expends it in some other way?

Mr. ROBERTS of Massachusetts. Oh, no.

Mr. MANN. That is the inference that might be drawn from the gentleman's statement.

Mr. ROBERTS of Massachusetts. No, indeed. The Secretary of the Navy reports so much money to carry out the contracts——

Mr. MANN. Does the Naval Committee make no inquiry as to where that is to be expended?

Mr. ROBERTS of Massachusetts. No; there has been no direct inquiry.

Mr. MANN. Then the reform that ought to take place is in the Committee on Naval Affairs and not in the law.

Mr. ROBERTS of Massachusetts. We can not change the contracts that the Secretary has made, which he is authorized by law to make.

Mr. MANN. The Secretary is not authorized to make any contract of any kind unless money has been appropriated to carry it into effect.

Mr. BUTLER. There has been appropriated $500,000.

Mr. ROBERTS of Massachusetts. The money comes in after that to carry out the contract.

Mr. MANN. But the gentleman's committee not only has the right, but it is its duty to ask the Secretary of the Navy where this $500,000 is to be expended and how it is to be expended, before the committee recommends it to the House. This year the committee have done that and they have said where the money was to be expended.

Mr. ROBERTS of Massachusetts. I want to call the attention of the gentleman to the fact that the committee have had their attention called to this abuse of this old law by a former Secretary. The gentleman will understand that there is no complaint of the present Secretary, because in the establishment of the only coaling plant that I know of under this administration, namely, that at Pearl Harbor, all the facts in connection with that have been placed before the committee and the money has been asked for it. But when we came to look into it we found that there had been these abuses in the past, and it is the desire of the committee to prevent those abuses arising in the future. We can not tell what some succeeding Secretary of the Navy may do in this respect. I want to say to the gentleman, as he must well know, that the Secretaries are governed very largely by bureau chiefs.

Mr. MANN. They are governed by the appropriations which come from the Committee on Naval Affairs.

Mr. ROBERTS of Massachusetts. The thing that the gentleman complains of is the lack of wisdom of past committees 10 or 12 years or more ago. Now their failure to perform their duties according to the ideas of the gentleman from Illinois should not operate against a change of law that will make it impossible for any future Secretary to cause these conditions to arise in the future.

Mr. MANN. The gentleman would not contend that the Secretary could establish a new coaling station under the provisions of this bill, would he?

Mr. ROBERTS of Massachusetts. No; not if this provision should become a law he could not.

Mr. PADGETT. Mr. Chairman, I ask unanimous consent to extend my remarks by printing a letter from the Secretary of the Navy in relation to the naval coal depots.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The letter is as follows:

NAVY DEPARTMENT,
Washington, January 24, 1913.

The CHAIRMAN COMMITTEE ON NAVAL AFFAIRS,
House of Representatives.

MY DEAR MR. CHAIRMAN: I have the honor to acknowledge the receipt of your letter of the 21st instant, relative to naval coal depots.

I am inclosing herewith a table showing the information requested by you.

The following is a statement showing for what purposes it is now intended to expend the estimate of $500,000 submitted for "Depots for coal" for the next fiscal year:

To complete coaling plant at Pearl Harbor	$306,250
Provide heater coils in fuel-oil tanks	43,500
Fuel-oil tank at Boston	57,700
Additional fuel-oil tank at Pearl Harbor	30,000
Contingent (repairs and additions to existing stations)	62,550
Total	500,000

The "contingent" item under this appropriation must necessarily be large to account for unforeseen demands which may be made upon it.

The above expenditures are in conformity with recommendations made to the department by the general board, and follow the general policy for the establishment and improvement of fuel depots as approved by the department.

Faithfully, yours, G. v. L. MEYER.

NAVAL COAL DEPOTS AND STATIONS ESTABLISHED SINCE 1890.

All of the coaling plants enumerated below were authorized and built since about January, 1898. Before that date the United States Navy possessed nothing that could be designated as coaling plant in the modern sense of the term; small coal piles were maintained at some of the navy yards and naval stations, either in the open or under light wooden sheds, and small piles were kept at Sitka, Alaska; Pago Pago; Tutuila; Samoa; Yokohama, Japan.

The coaling plants built since January, 1898, together with the date of establishment or letting of first contract, cost, and capacity, are given in the table following.

Navy yard, naval station, or coal depot.	Date.	Cost to date; approximate but fairly accurate.	Capacity, in tons.
Boston (navy yard)	About 1901 or 1902	$175,000	11,500.
Melville Station (Narragansett Bay)	1901	$1,070,523.10 to date. Includes cost of land, about 160 acres, $35,000.	In sheds, 40,000; under sheds, 20,000; total, 60,000.
Cavite, P. I. (Sangley Point)	About 1900	$563,809.99 (no cost for land)	25,000.
Charleston		No plant	Unlimited.
Culebra	About 1904	Cost little	5,000.
Frenchmans Bay	Purchased Apr. 23, 1900; cost $24,650 for 56 acres.	$475,595.80	12,000 in shed; on shore unlimited.
Guam	About 1900	Cost little (shed storage)	3,000 in shed.
Guantanamo (Hospital Cay)	About 1905	About $270,000	40,000 in open.
Honolulu	About 1899	Cost very little. No handling appliances.	80,000.
Key West	1898	$292,887	14,000.
Mare Island		Probably about $150,000	12,500.
New London	About 1901	$175,000	8,000.
New Orleans	About 1907	$147,143	5,000.
New York	About 1903	$276,982	8,500.
Norfolk (no plant)			
Olongapo	About 1905	$635,823	14,500.
Pensacola	About 1904	Not much	5,584.
Philadelphia	About 1906	About $50,000	10,000.
Pichilinque Bay, Lower California, Mexico	About 1900	do	10,000.
Portsmouth, N. H	About 1901	$175,000	10,000.
Puget Sound	About 1902	About $200,000	75,000.
San Diego (no handling appliances)	About 1904	$190,000	Unlimited; on ground.
San Juan, Porto Rico	About 1901	About $50,000	18,000.
Sitka, Japonski Island	1900	About $65,000	7,462.
Tiburon	About 1903	$1,200,000	135,000.
Tortugas	About 1899	About $500,000	20,000.
Tutuila	do		4,000.
Washington, D. C	About 1902		3,500, mostly for yard use.
Yokohama			7,000.

Culebra, San Juan, and Tortugas abandoned April, 1911, June, 1912, and April, 1906, respectively.

Frenchmans Bay, New London, Pensacola, and Sitka practically discontinued January, 1912, January, 1912, January, 1912, and March, 1912, respectively.

The coaling plants at Dry Tortugas and Frenchmans Bay have been ordered sold by the department, but the sale has not yet been made.

The coaling plant at Pearl Harbor is now in course of construction. The total estimated cost of this coaling plant and its equipment is $960,000.

The table submitted above does not include fuel-oil stations, it being understood that the committee wished the information about coaling plants only.

The Clerk read as follows:

Depots for coal and other fuel: To complete coaling plant at Pearl Harbor, Hawaii, $306,250; heater coils in fuel oil tanks, $43,500; additional fuel oil tank at Pearl Harbor, Hawaii, $30,000; fuel oil tank at Boston, Mass., $57,700; contingent for repairs and additions to existing depots for coal and other fuel, $62,550; in all, $500,000, to be available until expended.

Mr. SISSON. Mr. Chairman, I reserve a point of order to the paragraph. I notice that this makes the $500,000 available until expended. That provision is in violation of existing law. I ask the gentleman from Tennessee if the committee considered in establishing this coaling station at Pearl Harbor, which is sort of a halfway station between Japan and the United States, that it was affording Japan an opportunity to get coal in her attack upon the Government of the United States?

Mr. PADGETT. No; I think we will have it so fixed that Japan will not get near enough to get any coal.

Mr. SISSON. Does the gentleman believe that it will not then be the contention that we will have to have two more battleships to defend the coal?

Mr. PADGETT. We will have enough battleships by that time.

Mr. SISSON. Will you not have the same argument after you establish a coaling station at Hawaii that we have in reference to the Panama Canal, that we have got to have more battleships to defend it?

Mr. PADGETT. No; the naval station at Hawaii is the most important strategic position in reference to the United States. It was fully debated in Congress several years ago, and there was only one dissenting vote at that time as to the establishment of this station and the adoption of the plans then submitted. The reports here and the ones heretofore are simply parts and parcels of that program.

Mr. SISSON. How much have you expended already in Hawaii?

Mr. PADGETT. The limitation was a little over ten millions, and we have expended something like seven or eight millions, including what is in this bill.

Mr. SISSON. It will take two millions or thereabouts, additional, to complete it?

Mr. PADGETT. Yes; in two or three years to come.

Mr. SISSON. How many bills appropriate for fortifications, and so forth, in Pearl Harbor?

Mr. PADGETT. We do not appropriate for fortifications.

Mr. SISSON. This goes into the fortification plan.

Mr. PADGETT. Into the naval plan; the fortifications are under the Committee on Appropriations, of which the gentleman is a member. Pearl Harbor is on a little island of perhaps a thousand acres, perhaps a mile or a mile and a half out to sea.

Mr. SISSON. Was the ten millions for fortifications and the naval program?

Mr. PADGETT. The fortifications are taken care of by the Appropriations Committee under the fortifications bill. This relates alone to the naval station.

Mr. SISSON. If the gentleman knows, I would like to have him state how much is carried for this purpose in the bill?

Mr. PADGETT. I do not know about the fortifications, because that comes from the Appropriations Committee.

Mr. SISSON. Mr. Chairman, I will make the point of order.

Mr. PADGETT. I ask the gentleman not to make the point of order. This is for original construction, and they could not do the work within the narrow time and get it delivered. It will place us in the position of turning the money back into the Treasury.

Mr. MANN. You can not let the contract at all; that is the trouble.

Mr. SISSON. I do not understand why this money does not become available on the 1st of July, and you have 12 months in which to make the contract.

Mr. MANN. You can not run the contract beyond the end of the fiscal year, and hence you can not make a contract within the fiscal year.

Mr. PADGETT. This is in the interest of economy and good administration, and it does not interfere at all with the matter; it is simply a part of the appropriation of $10,000,000.

Mr. SISSON. I still do not understand why it is impossible to make the contracts.

Mr. MANN. You can not make a contract unless you have the money appropriated, or by specific act of Congress the contract is authorized. Now, this appropriation would not be available beyond the end of the next fiscal year, and hence you can not make a contract unless the contract is completed within the fiscal year, which I doubt is practicable.

Mr. SISSON. You can appropriate so much money as may be necessary for the current fiscal year.

Mr. MANN. Oh, that might be; but you would then have to have authority to make the contract. Here the total amount is appropriated, and they can not let a contract which would run beyond the end of the fiscal year, 1914.

Mr. SISSON. This is in continuation of a certain project, then.

Mr. MANN. This item provides for the completion of a coaling plant at Pearl Harbor, Hawaii.

Mr. SISSON. But there are also these items:

Heater coils in fuel-oil tanks, $43,700; additional fuel-oil tank at Pearl Harbor, Hawaii, $30,000; fuel-oil tank at Boston, Mass., $57,000, etc.

Mr. MANN. They could not let a contract on any of those unless the work was all to be completed within the fiscal year 1914, without this availability of the money being provided for, or an authorization to let a contract, because the money would

not be available after the end of the fiscal year, and they can not let a contract beyond the time when the money would be available.

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

Mr. SISSON. Mr. Chairman, I reserved the point of order.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the time of the gentleman be extended for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SISSON. Mr. Chairman, I simply want to get information. I shall have to make the point of order unless I can be convinced that this language is necessary in the bill. It is clearly subject to a point of order.

The CHAIRMAN. The time of the gentleman from Mississippi has been extended.

Mr. MANN. Mr. Chairman, it is like all the public-building propositions. You can not in any event make a contract that is not authorized specifically, unless the work is completed within the time that the appropriation is available. This appropriation without this language in it would be available only during the year 1914, and hence no contract could be let that was not to be completed within that time.

Mr. SISSON. I understand that the law has to authorize the construction of buildings before the money can be expended. And unless there is some special reason in this case why it should be made available until expended, I think it very bad legislation not to have these limitations in reference to appropriations, in accordance with the existing law.

Mr. MANN. As a rule, I quite agree with the gentleman; but here is a law under which you could not let a contract until after the 1st of July, and I judge from the items that they could not obtain a contract to be finished within one year unless an excessive price was paid for it. There is no object to that.

Mr. SISSON. Mr. Chairman, I shall not make the point of order on this paragraph, but it strikes me that the committee which has charge of this bill, like a good many other committees, is endeavoring to evade deficiencies, and for that reason I wanted an explanation in reference to this matter. I withdraw the point of order.

Mr. MANN. The gentleman knows that I quite agree with him on the deficiency proposition.

Mr. SISSON. Yes.

The Clerk read as follows:

BUREAU OF YARDS AND DOCKS.

Maintenance, Bureau of Yards and Docks: For general maintenance of yards and docks, namely: For books, maps, models, and drawings; purchase and repair of fire engines; fire apparatus and plants; machinery; purchase and maintenance of horses and driving teams; carts, timber wheels, and all vehicles, including motor-propelled vehicles for freight-carrying purposes only for use in the navy yards; tools and repair of the same; stationery; furniture for Government houses and offices in navy yards and naval stations; coal and other fuel; candles, oil, and gas; attendance on light and power plants; cleaning and clearing up yards and care of buildings; attendance on fires, lights, fire engines, and fire apparatus and plants; incidental labor at navy yards; water tax, tolls, and ferriage; pay of watchmen in navy yards; awnings and packing boxes; and for pay of employees on leave, $1,500,000: *Provided*, That the sum to be paid out of this appropriation under the direction of the Secretary of the Navy for clerical, inspection, drafting, messenger, and other classified work in the navy yards and naval stations for the fiscal year ending June 30, 1914, shall not exceed $425,000.

Mr. SISSON. Mr. Chairman, I would like to ask the gentleman from Tennessee what inquiry the committee made as to the proviso for $425,000 being used for the purposes mentioned—inspection, drafting, messenger, and other service.

Mr. PADGETT. We went into it very fully, as will appear in the hearings.

Mr. SISSON. I had not time to look at the hearings.

Mr. PADGETT. Beginning on page 90 of the hearings, there are several pages.

Mr. SISSON. It just struck me that unless the committee had some reason for it, $425,000 was a considerable sum to be taken out of an item of $1,500,000 for this purpose.

Mr. PADGETT. There is something like $10,000,000 that that covers. This is simply one item in the pages that follow.

Mr. SISSON. In other words, these drafting and clerical services take care of the entire proposition of the Bureau of Yards and Docks?

Mr. PADGETT. It does; and also does some work in the other bureaus.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. FLOYD of Arkansas having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had insisted upon its amendments to joint resolution (H. J. Res. 365) to permit Col. William C. Gorgas and certain other officers of the Medical Corps and certain officers of the Engineer Corps of the Army to accept service under the Republic of Ecuador disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. DU PONT, Mr. DIXON, and Mr. JOHNSTON of Alabama as the conferees on the part of the Senate.

The message also announced that the Senate had passed with amendment bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 28730. An act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1914, and for other purposes.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 8182. An act granting to the Inter-City Bridge Co., its successors and assigns, the right to construct, acquire, maintain, and operate a railway bridge across the Mississippi River; and

S. 8439. An act restricting the issuance of interlocutory injunctions to suspend the enforcement of the statute of a State or of an order made by an administrative board or commission created by and acting under the statute of a State.

The message also announced that the Senate had passed, without amendment, concurrent resolution of the following title:

House concurrent resoution 71.

Resolved by the House of Representatives (the Senate concurring), That there be printed and bound 2,500 copies of "Tariff Hearings" before the Committee on Ways and Means of the House of Representatives since the 6th day of January last, 1,700 copies for the use of the House and 800 copies for the use of the Senate.

NAVAL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

PUBLIC WORKS, BUREAU OF YARDS AND DOCKS.

Navy yard, Portsmouth, N. H.: Fitting up room for storage of cranes, $9,000; garbage crematory, $6,000; in all, $15,000.

Mr. GREGG of Texas. Mr. Chairman, I move, in lines 19 and 20, to strike out the words "fitting up room for storage of cranes, $9,000."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend by striking out, on page 23, in lines 19 and 20, the words "fitting up room for storage of cranes, $9,000."

Mr. GREGG of Texas. Mr. Chairman, this amendment brings before the committee the first of a series of amendments that will be offered in regard to the navy yards. I do not suppose that anyone will deny that our navy yards are improperly located. No one will deny that the present Secretary of the Navy has called attention to that fact. They are so arranged as to be unbusinesslike and to be unuseful, and so numerous as to be exceedingly extravagant. Every navy yard has to have a plant, has to have its power plant, has to have its tool house, has to have all of its accompaniments. Now, then, in view of the fact that our navy yards are so arranged, if Congress does its duty or the Secretary of the Navy does his duty, there must be a rearrangement of them and an abandonment of some of them. The Secretary of the Navy has outlined the plans for the proper erection of navy yards upon the Atlantic. He suggested one at Narragansett Bay; he suggested one, a reserve basin, at Philadelphia; a navy yard at Norfolk. Now, according to all the experts, these are sufficient for the Atlantic coast.

Mr. MURRAY. Mr. Chairman——

Mr. GREGG of Texas. We will then need one at Guantanamo——

Mr. MURRAY. Will the gentleman state the estimated cost of the establishment of a naval base at Narragansett Bay as outlined by the Secretary of the Navy?

Mr. GREGG of Texas. It is estimated that by selling the abandoned yards that we can realize money enough to establish this new yard.

Mr. MURRAY. Mr. Chairman, may I ask the gentleman to give the details of that proposition?

Mr. GREGG of Texas. I do not remember the details, but whether we located one at Narragansett Bay or not—I am not contending for Narragansett Bay.

Mr. ROBERTS of Massachusetts. Will the gentleman yield to me?

Mr. GREGG of Texas. I will.

Mr. ROBERTS of Massachusetts. Does not the gentleman recall that the proposition of the Secretary to close up certain yards and establish another at Narragansett Bay was only tentative and depended entirely upon whether or not he could sell those he wished closed up for a considerable sum of money and he had no information whatever as to whether he could sell them at a reasonable price or not?

Mr. GREGG of Texas. It was only tentative, but we knew that when this question was raised Members on this floor from every one of these navy yards would be up in arms and we can not effect any abandonment or any compromise in the conduct of these yards as long as that condition exists. The Members of this House ought to be big enough, at least as big as the Secretary of the Navy, who included for abandonment the navy yard at his own home, and we ought to be interested enough in an economical administration of the Navy to rise up and meet him upon this proposition. Nobody will deny that these yards are costing millions of useless expenditure every year. Some of them, if Congress does its duty, must surely be abandoned. We hear it said, as the gentleman from Illinois said about the naval stations, that this matter will be taken up and gone over thoroughly by the committee, but let me tell you, gentlemen, that if something is not done in this House to stop the appropriations for these navy yards nothing will ever be done by the committee or anyone else looking to a consolidation.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GREGG of Texas. I ask for five minutes more.

Mr. MURRAY. I ask unanimous consent that the gentleman's time be extended for five minutes.

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

Mr. GREGG of Texas. Now, the point I make is this. If the abandonment of any of these yards is only tentative, we are criminally extravagant in proceeding to expend hundreds of thousands, yea millions, of dollars annually upon those navy yards while their abolishment is being considered. Now, my proposition does not affect these navy yards as going concerns at all. It is not a question of repairing them, it is not a question of keeping them in a condition to do the work, to continue to do the work they are doing, but on page 31, line 14 to 16, we find this provision.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. GREGG of Texas. Not at this moment. "For repairs and preservation at navy yards and stations, $800,000." There is a general provision for the purpose of keeping these yards in proper repair so that they can continue to do the necessary work, but my amendment goes to the point of cutting off the addition of new buildings and the building up of a larger establishment. Now I will yield to the gentleman.

Mr. MOORE of Pennsylvania. Does the gentleman consider favorably the construction of battleships or the making of repairs in navy yards?

Mr. GREGG of Texas. I have always voted for that proposition.

Mr. MOORE of Pennsylvania. Would it be fair, in the gentleman's opinion, to have but one navy yard in which to construct ships, provided we adopt that policy?

Mr. GREGG of Texas. We do not propose to build all of them in the navy yards. I never have favored that.

Mr. MOORE of Pennsylvania. Suppose we have but one Government yard equipped to construct a battleship, which is the situation confronting us to-day, and there arose along the Gulf States and along the Lakes, or on the Pacific coast, a demand that they should have a navy yard fully equipped to construct ships, would not the gentleman think it a fair proposition to be prepared in those sections of the country?

Mr. GREGG of Texas. I do not think so now; if the necessity should ever arise, I would favor it.

Mr. MOORE of Pennsylvania. Is the gentleman familiar with the Pensacola yard?

Mr. GREGG of Texas. I am familiar with the place where there used to be a yard.

Mr. MOORE of Pennsylvania. I know it has been abandoned. But in the event of war, or the necessity of suddenly constructing or repairing ships, might it not be a good thing to have that station ready for action?

Mr. GREGG of Texas. The experts say not. Now, I am not an expert——

Mr. MOORE of Pennsylvania. Suppose this country should be struck at Panama at some future time, or a great naval warfare should arise in the West Indies, which gentlemen familiar with the subject think might be possible, would it not be well that we should be equipped along the Gulf States, particularly somewhere within the Florida Keys, to prepare for the emergencies that might arise?

Mr. GREGG of Texas. As I told the gentleman just now, I am no expert. As I understand, the plan of the department is to make the place for the defense in that section at Guantanamo, and I think there ought to be a large dock, and there ought to be provision asked for by the Navy Department at Guantanamo.

Mr. MOORE of Pennsylvania. Would the gentleman do the construction and repair work there exclusively, so far as the southern and Gulf coasts are concerned?

Mr. GREGG of Texas. I am not making a fight for the Gulf coast. I am making a fight for the economic and businesslike administration of the Navy Department. I am making a fight, sir, against the Representatives who have navy yards in their districts, and who will never permit any move to economize or to reduce expenses.

Mr. MOORE of Pennsylvania. Admitting that that is true, and that is a fair proposition coming from the gentleman who does not have a navy yard in his district, does he still answer the question I put with regard to our preparedness for construction or for repairs at a point remote from the larger centers of population in the event of war?

Mr. GREGG of Texas. The policy of the department is to have that at Guantanamo, and I have no war on the department on that proposition.

Mr. KNOWLAND. Will the gentleman yield?

Mr. GREGG of Texas. Yes, sir.

Mr. KNOWLAND. In reply to the statement made by the gentleman from Pennsylvania [Mr. MOORE] that there was only one navy yard fitted to equip, or rather to build, ships, I want to say that we have one at Mare Island.

Mr. MOORE of Pennsylvania. I ask the gentleman from California [Mr. KNOWLAND] to remember I said "battleships." I know that a collier has been constructed at the Mare Island Navy Yard. There is only one navy yard in the country equipped to build a battleship.

Mr. KNOWLAND. The Mare Island Navy Yard is equipped to build battleships.

Mr. GREGG of Texas. The point I make is this: That these navy yards are not properly arranged. Some of them have to be abandoned, and that matter is under consideration, and, while it is under consideration, it looks to me foolish to appropriate hundreds of thousands of dollars a year to add new buildings. There is ample provision in this bill for maintaining them. It will not affect their efficiency. They will be kept up to their present standard. They are doing the work now, and they will continue to do the work, but I see no reason why we should continue to appropriate these large sums of money for the addition of new buildings, barracks, machine shops, power houses, and such things, because, when abandoned, all of that will be waste money. I put it up to this Congress, and we shall put it up by motion after motion to ascertain whether or not you are willing in any sense of the word to resort to any kind of economy.

Mr. BATES and Mr. ROBERTS of Massachusetts rose.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. BATES] is recognized.

Mr. BATES. Mr. Chairman, I believe that it would be a very poor proposition and false economy to strike out this item.

Now, what is it? Last year the very small appropriation for Portsmouth Navy Yard was $44,000. This year it is only $15,000, in two items, one in the interest of economy and another in the interest of sanitation and health. One is an item of $9,000 for fitting up a room for the storage of cranes. Admiral Stanford, in the hearings, states that it is for the storage of two valuable cranes, worth, I presume, $100,000, and for the storage of yard locomotives, which are also valuable.

The question does not arise here whether we are going to continue or discontinue the Portsmouth Navy Yard. That does not enter into the question at all. We are not authorizing the buying of any new lands or the building of any new buildings or the purchase of any new equipment.

It is merely to preserve the valuable machinery that we have there now, and for a crematory, because Admiral Stanford states in the hearings that this item is necessary to provide a crematory for the disposition of yard waste. It is necessary to burn it. "In some of the yards," he says, "the organic waste is collected by people who keep pigs or have some other use for the material." The crematory will be used if the wastes are not otherwise more satisfactorily disposed of.

Mr. SLAYDEN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. BATES. I regret I have only two or three minutes.

Now, Mr. Chairman, it seems to me this is striking a note of false economy. I will not urge that it is playing politics; I will not be so ungracious as to say that. But I do say it is from an overweening desire to cut something out of this bill. These items stand for themselves and speak for themselves, and if the gentleman had attended the meetings of the Naval Committee for the past two months, when we were in session two hours and three hours and four hours, sometimes, a day, and heard carefully discussed and explained these several items by the heads of departments and bureau chiefs, there would not be so

much kindergarten talk as has gone on in this Chamber for the last two or three days. [Applause.]

I believe it is the part of economy that the storage of cranes should be provided for. If the gentleman from Texas [Mr. GREGG] or any other gentleman were about to sell his farm or plantation, it would be good economy to house his farm machinery for the winter, even pending the sale; otherwise the machinery would suffer in a few weeks to a greater extent than the amount of the paltry sum that is necessary to take care of it and keep it from the natural deterioration that would ensue by leaving it exposed to the elements.

Mr. SAMUEL W. SMITH. Mr. Chairman, does the gentleman yield?

Mr. BATES. Yes.

Mr. SAMUEL W. SMITH. I would like to inquire of the gentleman whether the other navy yards have crane sheds for their protection?

Mr. BATES. Yes; certainly. This is not even to build a shed. It is simply to fit up a room suitable for the storage of cranes and yard locomotives. They are valuable pieces of property, and they could be used, perchance, at another navy yard if it were seen fit to dispose of this navy yard at any time in the future.

I do not believe, Mr. Chairman and gentlemen of this committee, that you do not appreciate the hard, patient labor that has been expended upon this bill by the chairman of the Committee on Naval Affairs, who has labored unceasingly and with the true spirit of economy, and still with the true spirit of patriotism, to the end that this bill may be presented here properly. [Applause.]

I once heard an old soldier and distinguished Democrat, Amos Cummings, a Member on the other side of this Chamber, declare, when some one moved to strike out an item for barracks in the Philippines, that he would rather his right arm fall palsied to his side and his tongue cleave to the roof of his mouth than that he should vote to cripple the efficiency of the Army or the Navy of his country. [Applause.]

Mr. PADGETT. Mr. Chairman, I simply want to call attention to the fact that the total expenditures for buildings, public works, improvements, and machinery installed at Portsmouth is $10,600,929. The total cost of land and maintenance has been $18,838,000. We have at Portsmouth the finest water of any yard that we have perhaps on the Atlantic coast.

Here is a proposition to appropriate $15,000 to take care of this property, a very economical proposition, and also from the point of sanitation. It represents an investment of $18,000,000. It seems to me that to come and criticize this action, or to suppose upon mere rumor that it is going to be abandoned, a matter, I dare say, that is in the ages to come, is absurd. Let us deal with this proposition along business lines.

Now, Mr. Chairman, we must make some progress on this matter, and I move that all debate upon this paragraph and all amendments thereto be closed.

Mr. BUTLER. Mr. Chairman, I would like to have two or three minutes.

Mr. SLAYDEN. I would like to have two or three minutes. I have used hardly three minutes since the bill came under consideration.

Mr. PADGETT. Then, I will move that all debate on the paragraph and amendments thereto close in 10 minutes.

Mr. WITHERSPOON. Mr. Chairman, I would like a few minutes.

Mr. O'SHAUNESSY. Mr. Chairman, I ask for five minutes. I have not interjected myself into the debate, realizing that the time was short.

Mr. BUTLER. In order not to embarrass the gentleman, I will withdraw my request for time.

Mr. PADGETT. Mr. Chairman, I will withdraw the motion, but I notify the members of the committee that I shall hereafter insist on the rule. We must get through with this bill.

Mr. SLAYDEN. Mr. Chairman, as a member of the primary class in the kindergarten that so much excites the contempt of my friend from Pennsylvania, I want to submit a few observations. Out of the mouths of babes and sucklings there has come some words of wisdom. The chairman says that there has been $18,000,000 spent on the Portsmouth Navy Yard, and the gentleman from Pennsylvania said $10,000,000.

Mr. BATES. I beg the gentleman's pardon, I made no estimate; but I did emphasize the spending of practically nothing on it now except to take care of it.

Mr. SLAYDEN. If it is a useless navy yard, every dollar spent on it is wasted. We better dismantle it and remove the machinery that is valuable and give it up. The splendid water the chairman speaks of will not deteriorate and will not require a watchman.

Mr. BATES. The fault that is found with the Portsmouth Navy Yard is that it is not big enough to take care of the modern ships like the *Utah* and the *Pennsylvania*. They can not go into the dock. In case of war it might be useful.

Mr. SLAYDEN. The *Pennsylvanias* and the *Utahs* in the near future, if my friend from Pennsylvania and my friend from Alabama, who know no limit for aspirations for the growth of warships, succeed, will not be able to be accommodated by the Panama Canal, and we will have to enlarge that ditch to accommodate the expensive *Utahs* and *Pennsylvanias* that our friends want to make the people bankrupt themselves in building.

Mr. BATES. The Panama Canal, by common consent, fixes the width of all future battleships.

Mr. SLAYDEN. Then in the name of God, why did we not have wisdom enough to make it a very much smaller ditch than it is? [Laughter.] Mr. Chairman, I am advised by a gentleman who is a member of the committee that the Secretary of the Navy says that the Portsmouth Navy Yard is of no value to us.

Mr. ROBERTS of Massachusetts. Oh, Mr. Chairman, I want to challenge that statement.

Mr. SLAYDEN. The gentleman can challenge it, but not in my time. I have heard it said repeatedly under discussion on this naval question that there are a number of navy yards, built at great expense, that are of no value to us. If that is true, these navy yards ought to be abandoned. We ought not to yield to the blandishments of Members of the House, chairmen of committees, and individual Members. We ought not to spend a dollar in the building of a navy yard or the establishment of a navy yard where it is not needed and where it will be of no service. We ought to spend all the money that is required to maintain an efficient and adequate Navy. We do differ somewhat in our definition of some of those terms, but every man here, I take it, is a patriotic American citizen and does not want to see the interests of his country, its sovereignty and territory imperiled in any way, and will all stand ready to do what is necessary to protect it. But when the Secretary of the Navy is permitted to——

Mr. ROBERTS of Massachusetts. Mr. Chairman, I want to challenge what the gentleman says.

Mr. SLAYDEN. I wish the gentleman would please wait until I get through and to address the Chair if he wants to interrupt me. If I am making an inaccurate statement, I am relying on the judgment of those upon whom I place as much reliance as I do on the gentleman from Massachusetts, much as I esteem him.

Mr. O'SHAUNESSY. Mr. Chairman and gentlemen, I have hesitated to inject myself into this debate, realizing that in the closing days of this session the appropriation bills should be passed without unnecessary interruption. I am an advocate of an efficient Navy, and I believe that this bill in providing for two battleships meets the demands of the American people. It is a business proposition, an insurance proposition, a proposition that will lead to safety, a proposition that will lead to a sustaining of the national honor when it is in danger. Washington's classical remedy for war was preparedness. We should be guided by his advice and experience. But, like my distinguished friend from Massachusetts [Mr. MURRAY], wherever there is an opportunity to wield the pruning knife to save a million or two, I am in favor of that kind of economy. I believe that the American people generally hesitate to criticize Congress for the expenditure of millions of money, providing they get a dollar's worth of value for every dollar expended. But there is just criticism to be leveled at this bill, and I congratulate the gentlemen who drew the minority report in calling such sharp attention to the items for the maintenance of navy yards which are generally believed to have become worthless. I have been told that the Joint Army and Navy Board have recommended the abandonment of certain naval stations as having outlived their usefulness. The Secretary of the Navy has spoken favorably of Narragansett Bay as a naval base. For the enlightenment of the committee I will insert at this point in my remarks the testimony of the Secretary before the Committee on Naval Affairs:

Secretary MEYER. I made a recommendation to the committee a year ago, recommending the abolition of certain yards, because, with the Navy constituted as it is now, with a battleship fleet of 21 (including new and old type vessels), there was no longer a necessity for those stations, and I showed that if we abolished all those mentioned in my recommendation it would mean a saving of about $1,500,000 a year in maintenance, etc. After that, I studied the problems on the Atlantic coast from Charleston to Portsmouth and put the matter up to the General Board of the Navy, and after they had given me their opinions, I further assigned it to the Joint Army and Navy Board for consideration, because a naval station is not a fortified station.

Quite the contrary, it rather invites attack to the harbor in which it is located, and has no means of defense. Therefore, it would de-

volve upon the Army to defend that station in case of war. The Joint Army and Navy Board reported that the ideal plan for the Navy would be to have two great naval bases on the Atlantic coast in harbors which would receive and could maintain the entire fleet and its auxiliaries.

Mr. GREGG. Did they designate the places?

Secretary MEYER. Yes, sir; I will come to that. They further reported that Philadelphia, on account of its fresh-water basin, was valuable to retain as a station for the reserve fleet and for its maintenance there, because of the labor market and because the station was already there. While the station at Charleston, S. C., should never have been built originally, nevertheless, as it is already there, we can make use of it as a torpedo base. At Key West is a station for torpedo vessels, not an extensive naval base but merely as an adjunct to Guantanamo for the protection of the Gulf of Mexico. It supplements Guantanamo as a naval station, and the torpedo vessels can protect the entrance to the Gulf of Mexico from this point.

Then came the question of the best locations, according to the views of the Joint Army and Navy Board, as to two naval bases which would receive and maintain the fleet. It appeared self-evident that the only two places which could receive the fleet and all the auxiliaries, with harbors and anchorage sufficient for such purposes, were Hampton Roads, where we have the Norfolk Navy Yard, and Narragansett Bay, where there is a large protected harbor with two exits and possibilities such as the Joint Army and Navy Board require.

The CHAIRMAN. What are the climatic conditions as to frozen water at Narragansett?

Secretary MEYER. Absolutely favorable. It is south of Cape Cod. The harbor is always open. Therefore, the question for me to consider was what was feasible, and whether it was possible to finally recommend the abolition of the Portsmouth, Boston, and New York yards, and in their place center a naval base in Narragansett Bay.

I am not prepared, as yet, to make a recommendation, for the reason that we are still studying and investigating. It requires a great deal of thought and consideration from many points of view. There has been a tentative plan made which would give us two docks 1,000 feet long, two docks 650 feet long, which would take in any battleship or dreadnought up to the present time, and two small docks suitable for gunboats and destroyers, making six docks in all, and berthing space for 12 to 16 ships.

The CHAIRMAN. That is at Narragansett Bay?

Secretary MEYER. Yes, sir. There would be shops for construction and repair, and for steam engineering, and everything necessary for an up-to-date efficient navy yard. The questions that I have to solve are these: Whether that could be done without expense to the Government. That is, whether the proceeds from the sale of those three yards would be sufficient to pay for the reestablishment of a naval base necessary to the Navy's requirements at Narragansett Bay.

That is one of the problems. Second, before we commit ourselves, it is necessary to study the locality and see whether it is feasible and practicable, and third, to see whether it can be done within the estimates. It has been estimated that those three yards will bring from $24,000,000 to $25,000,000. We have tentative plans of what can be done at Narragansett Bay for $24,000,000 to $25,000,000, but it is necessary to make soundings. It is necessary for us to ascertain if it can be done. We do not propose to commit ourselves to something and find that it will cost double what we anticipated. Therefore, I am temporarily reporting this to the committee as I have always endeavored to do, in order that they may know what the department is considering. Until the engineers have thoroughly studied the locality, until they have made their soundings, and until they have tentative estimates of the cost which would be sufficiently definite to authorize a recommendation, I can not say anything further at the present time to the committee.

Now, my criticism may not come with all the good grace that it comes from the gentleman from Texas [Mr. SLAYDEN], because I represent a district possessing one of the greatest bays in the world, as my friend the gentleman from Massachusetts [Mr. MURRAY] can bear me out, a place that would harbor all the battleships we would be able to build for years to come, but I hope in my course in this House I shall always be recognized as the gentleman from Rhode Island instead of the gentleman for Rhode Island. [Applause.] I prefer to be national rather than local in my political character, and in my zeal for my State not to overlook the Nation's necessities. And if there is any other naval base superior to Narragansett Bay, if there is any better place that appeals to the people charged with the administration of the Navy, then I say, go and take it, and if the naval establishments now in Rhode Island are or should at any time be considered not what they ought to be, I say, abolish them, but if being all that is desired to promote efficiency and economy we ought to use and enlarge them and sell some of the other places and thereby effect a great saving to the country. I hope that the time is near when that shall be done. I hesitate just now to join in the proceedings to strike out of this bill the provisions for the maintenance of these yards outside of Rhode Island, but I am very highly pleased to know that the gentlemen representing the minority on this committee have so succinctly and splendidly called attention to the glaring defects in our naval administration. I do not believe I can better support my argument and my statement at this time than by quoting from an editorial in the Washington Herald under date of January 13, 1913:

> It would be unwise economy to curtail the strength of the fleet to such an extent as to impair the authority of the United States among the powers.

That is a sentiment to which I have the honor to subscribe.

> At the same time, the expenses of naval administration must be reduced. The Navy Department has pointed the way to this. Abolition of useless navy yards is the solution. The cooperation of Congress is necessary to this end. At present navy yards are located at Portsmouth, N. H., Boston, New York, Philadelphia, Portsmouth, Va., Charleston, and Key West. It is difficult for the largest battleships to reach some of them, but they are all kept going, and the expense of repairs at these scattered stations is far greater than it would be were they combined in two or three. England has passed through this wasteful stage and now pursues a policy of concentration. Three naval stations, one in Narragansett Bay, another in Hampton Roads, and a third at Guantanamo, would adequately maintain the Atlantic Fleet, while stations in Puget Sound, San Francisco Bay, and Pearl Harbor would be sufficient shore establishment for the naval force in the Pacific.
>
> Concentration has long been the American policy, so far as its warships are concerned, for the vessels are now kept constantly together in the fleet, except when it is necessary for them to separate or go for repairs to the scattered shore stations.
>
> If there is good reason for concentration afloat, there is better reason for concentration ashore. Navy yards should exist for the fleet, not the fleet for navy yards.

The CHAIRMAN. The time of the gentleman has expired.

Mr. O'SHAUNESSY. I ask for five minutes.

Mr. GREGG of Texas. I was about to ask that the gentleman have five minutes.

Mr. O'SHAUNESSY. I thank the gentleman from Texas.

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

Mr. O'SHAUNESSY. Now, Mr. Chairman, in my short experience in this House I have become convinced that Congress is but a convention of local envoys, and I know how extremely difficult it is to wrench a Member away from some cherished project in his district. Rhode Island possesses, as it does many industries, some of which were supposed to be attacked by the Underwood tariff bills in the last Congress. There was a wailing and a lamentation from some quarters when the Underwood bill passed; that is, a lamentation from some particular interest involved, but in spite of the fact that I voted for every one of Democratic tariff bills I have had the pleasure of being returned. [Applause.] And I hope it will be my good fortune to support that prince of American statesmen, that imperturbable gentleman, OSCAR W. UNDERWOOD, so genial in character, so persuasive in eloquence, and possessing that particular charm and ability—conciliation. I hope it will be my pleasure for some years to follow his distinguished leadership in this House. [Applause.] Now I am diverting. I do not want to be guilty of piping too long upon my own particular tune, which in this instance is Narragansett Bay——

Mr. MURRAY. May I inquire of my good friend and colleague what is the estimated cost of the establishment of the naval base at Narragansett Bay?

Mr. O'SHAUNESSY. In the testimony of the Secretary of the Navy, which will be found incorporated in my remarks, the Secretary estimates that the cost would be $24,000,000 to $25,000,000, the sum to be obtained by the sale of other yards.

But I want to be firm, and I want to be very honest in this statement. I would not be here advocating this, if I believed that Narragansett Bay was not the proper place. I hope the prediction of the gentleman from Tennessee [Mr. PADGETT], the dire prediction that these abolitions of certain navy yards are away off in the distant future——

Mr. PADGETT. Mr. Chairman, will the gentleman permit me to state that I said only the Portsmouth Navy Yard?

Mr. O'SHAUNESSY. Oh, I am pleased and gratified.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. O'SHAUNESSY. Certainly.

Mr. MANN. I suppose I am to blame for my ignorance of geography, but just where is Narragansett Bay? [Laughter.]

Mr. O'SHAUNESSY. Oh, Narragansett Bay is an inlet of the Atlantic Ocean, extending 28 miles into Rhode Island, and being 18 miles wide from its point of entrance, Sakonnet Point to Point Judith. Providence, Newport, and Fall River are on the shores of the bay. Its harbor can accommodate all of our battleships, and I want to say to the gentleman that I trust the Rhode Island Legislature before long will have the pleasure of inviting the Naval Committee there and showing them how bountiful God Almighty has been in his gifts to Rhode Island.

Mr. MANN. In his gifts to Rhode Island, or in what will be furnished for the Naval Committee when they get there?

Mr. O'SHAUNESSY. Oh, I presume they will be properly taken care of.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. O'SHAUNESSY. Certainly.

Mr. MOORE of Pennsylvania. Mr. Chairman, I grant that Narragansett Bay is one of the most beautiful bodies of water along the Atlantic coast, or in the country, but will the gentleman state whether it is salt or fresh water?

Mr. O'SHAUNESSY. Salt water.

Mr. MOORE of Pennsylvania. That enters very largely into this proposition.

Mr. O'SHAUNESSY. I know it does, and the gentleman I suppose now is boasting in an indirect way of the Delaware River.

Mr. MOORE of Pennsylvania. I always boast of it, and in a very direct way, but I thought it only fair to draw the comparison as between the beautiful sheet of water known as Narragansett Bay, where the water is salt, and the great Delaware River, where the water is fresh.

Mr. O'SHAUNESSY. Because one is fresh and the other salt, with the consequent action involved on ships' bottoms?

Mr. FOSTER. Does the gentleman think there will be anything left for Narragansett Bay after we get through with Philadelphia and her demands?

Mr. O'SHAUNESSY. I know the gentlemen from Philadelphia are very insistent, and they are disposed to look after the interests of their constituents, but I do hope that there will be something left for Narragansett Bay when they get through.

In order that the committee may know something more about Narragansett Bay, it will be my pleasure in the extension of my remarks, to insert a newspaper clipping epitomizing the views of Rear Admiral Luce on the subject under discussion.

The newspaper clipping referred to is as follows:

NAVAL BASES V. NAVY YARDS.

The wide difference between a navy yard and a naval base is cogently stated in a recent article by Rear Admiral Stephen B. Luce, U. S. Navy (retired), now of Newport, in which he states that while the United States has navy yards, naval stations, and naval rendezvous it has in a technical sense no naval bases.

Rear Admiral Luce found that Narragansett and Chesapeake Bays were advirably designed naturally for naval bases and points out that the Atlantic seaboard possesses three principal strategic naval points—the two bays and the Florida Keys.

"Narragansett Bay," he said, "seems to have been intended by nature for a permanent naval base of the first order." He cited the fact that Gay Head, Block Island, and Montauk Point would be lookout stations that in time of war would give timely notice of the approach of an enemy's fleet, giving an exceptional primary advantage to Narragansett Bay as a naval base.

Rear Admiral Luce also pointed to the fact that the old reason for not locating a naval base in Narragansett Bay, the lack of fortifications, no longer existed. Now the fortifications are here and capable of fulfilling nearly every condition necessary in cooperation with a naval base.

He also presented the following requirements for a naval base, which, he said, Narragansett Bay can fill, and which New York and Boston's yards can not.

Its situation must be at the best strategic point within the area under consideration.

It must afford a safe harbor for a fleet of at least from 25 to 30 battleships, with their auxiliaries, aggregating a total of about 60 heavy-draught ships and numerous small craft.

Such anchorage must be within the lines of defense.

It must afford ample docking facilities at one and the same time for at least four ships of 45,000 tons displacement, each of, say, 38 feet draft.

The interior lines of communication to the sources of supply should be such as may be fully secured in time of war.

It should be easy of access and egress and admit at mean low water, without constant recourse to dredging, ships of the heaviest drafts of water, say, 38 feet.

It should be in the proximity of a community able to furnish skilled labor in the departments of iron shipbuilding and marine enginery.

The facilities of the neighborhood for furnishing the materials which enter into these industries should be ample.

The character of the soil of the littoral should be such that the dry docks and wet basins in numbers sufficient to meet all probable demands of the future can be constructed at moderate cost, and its area sufficient for all the structures that may be needed for a repairing yard and a naval arsenal combined.

It should enjoy a salubrious climate, and it should be difficult to blockade.

"Narragansett Bay," continues Admiral Luce, "and its tributaries can furnish all the skilled labor a naval base could need during peace or in time of war. The fact that it has a channel 40 feet deep which can be carried 10 miles up from the entrance, and that, too, without dredging, furnishes another advantage enjoyed by no other harbor on our Atlantic seaboard.

"Narragansett Bay is now well fortified. It has, therefore, all the constituents of a naval base of the first order save the docking facilities. It only awaits the time when its exceptional advantages shall have been passed upon officially by a duly appointed mixed commission of Army and Navy officers, as has been our practice in the past, and the question of its adoption taken up by Congress."

Mr. WITHERSPOON. Mr. Chairman, I do hope that the debate on this item will not be cut short by the House, for the reason that the considerations that will determine the House in voting upon this item will also determine it in voting upon a very large number of items in the bill that are in the same condition. This item which the amendment seeks to strike out provides for the erection of some kind of structure for the storage of cranes. I do not deny that it is useful and beneficial and necessary that cranes should be stored. The fact is I am not sufficiently posted on the subject to know whether they ought to be or not. It seems to be a fact, however, that for 120 years of the country's history these cranes have not been stored, and this necessity has suddenly been discovered. I do not base my support of the amendment upon the idea that it would not be a useful expenditure of the money to construct this house in which to put these cranes. I put it upon the proposition that in all probability this navy yard at Portsmouth will be abandoned, and in case it should be, this will be a waste of money, and more than a waste. It would be a waste of money if we expended it there and afterwards discovered that it was useless, but when we are advised beforehand that it will be useless, I say it is criminal waste of money. The chairman of the Committee on Naval Affairs, the gentleman from Tennessee [Mr. PADGETT], left the impression on the House that this was based on rumor. I tell this House it is not based on rumor, it is based on the statement of the Secretary of the Navy himself.

Mr. MURRAY. Mr. Chairman, will the gentleman yield?

Mr. WITHERSPOON. Certainly.

Mr. MURRAY. I desire to read from page 709 of the hearings, quoting Secretary Meyer:

I am not prepared as yet to make a recommendation for the reason that we are still studying and investigating. It requires a great deal of thought and consideration from many points of view.

Mr. PADGETT. And on the next page the reasons are given.

Mr. MURRAY. I do not want to take too much of the gentleman's time.

Mr. WITHERSPOON. Secretary Meyer has said a great many things, but in some part of his testimony, where he was explaining why some of these navy yards ought to be abandoned, where he was trying to show the committee how much less expensive it would be to have the work concentrated at a few yards, he gave us to understand that, in his judgment, some of them ought to be abandoned, and he mentioned Portsmouth and Boston and one other that I do not remember among the number.

Mr. MURRAY. Can you cite me to the place and time?

Mr. WITHERSPOON. I can not cite you to it, and it does not make any difference whether you ever find it or not.

Mr. MURRAY. Oh, yes; it does.

Mr. WITHERSPOON. It does not.

Mr. MURRAY. It makes a difference to me and my folks.

Mr. WITHERSPOON. Well, get his testimony and read it from beginning to end. I have not the time to hunt up the pages now.

Not only that, Mr. Chairman, but some of the bureau chiefs have explained to us how the multiplication of navy yards causes a duplication of expenses, and I think one of the examples used to illustrate it was that you would need a crane at Portsmouth, you would need a crane at Norfolk, and if the work done in both of the navy yards were done in the same place one crane would do the work. That is just an illustration, but it is undoubtedly a fact that the multiplication of these navy yards does greatly increase the expense of maintaining the American Navy. It is not only not rumor, but whatever the Secretary of the Navy may have said is not nearly so strong and significant as what he has done.

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

Mr. MURRAY. Mr. Chairman, I ask unanimous consent that the gentleman's time may be extended for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. WITHERSPOON. Actions speak louder than words. We spent $10,000,000 in building a navy yard with great buildings of all kinds and immense machinery of all kinds, at Pensacola, which the Navy Department has actually abandoned, and there is not a dollar of appropriation in this bill for that navy yard.

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

Mr. WITHERSPOON. Yes.

Mr. MONDELL. Does the gentleman believe that the Pensacola yard should have been abandoned?

Mr. WITHERSPOON. I can not believe that it ought, or that it ought not to have been abandoned, because I have not sufficient information to base an opinion upon. But I will say to the gentleman from Wyoming that what I do believe is this, that the Committee on Naval Affairs ought, if it could ever get time enough left, after considering battleships, to devote its attention to this subject of whether we will concentrate our work at two or three navy yards, or whether we will abandon the others, and, if so, which ones. That is a subject which we ought to consider, and we ought to get the advice and opinion and facts from men who are informed on the subject. And, in addition to that, we ought to visit every one of them and know what we are doing before we act. I do not know whether the navy yard at Pensacola ought to be abandoned or not, but I know it has been abandoned. That is a fact, and, therefore, the contention we make here that this Portsmouth Navy Yard may be abandoned is not, as the gentleman from Tennessee [Mr. PADGETT] says, based on rumor, but is based on actual fact.

Mr. MONDELL. If the gentleman will allow me, my thought was this, and I plead to a vast amount of ignorance on the subject——

Mr. WITHERSPOON. You have plenty of good company.

Mr. MONDELL. The navy yard at Pensacola ought to be made one of our great navy yards. My own opinion has been that there was a very great question with regard to Portsmouth, but the Navy Department has abandoned the one at Pensacola, and they have maintained Portsmouth. Now, the gentleman claims he does not know whether Pensacola should have been abandoned, but he believes that Portsmouth should be abandoned.

Mr. WITHERSPOON. No; I did not say that at all.

Mr. MONDELL. Then I misunderstood the gentleman.

Mr. WITHERSPOON. I told you I did not know enough about it to say whether any of them ought to be abandoned, and, if so, which ones ought to be abandoned; but, I say that the Committee on Naval Affairs has never given to this subject sufficient consideration, has never taken enough testimony, has never gotten the advice and opinion of competent men on the subject sufficient for any of them to have an intelligent opinion. And while the thing is undecided and uncertain, I submit it is a waste to expend this money on any of them.

Now, in addition to that——

Mr. MOORE of Pennsylvania. Will the gentleman yield for one question?

Mr. WITHERSPOON. Yes, sir.

Mr. MOORE of Pennsylvania. Has the gentleman ever visited the Pensacola yard?

Mr. WITHERSPOON. I have not.

Mr. MOORE of Pennsylvania. I will say to the gentleman that I have, and to me, as a patriotic American, it seems lamentable that we should have abandoned so available a property for use if emergency required it. But I wanted to ask the gentleman this:

The Pensacola yard, apart from that at New Orleans, is the only yard that we have in any way protecting, or prepared to protect, in the matter of construction and repair in the Gulf region, the vessels of the United States in the event of war. Does not the gentleman think we ought to have some naval base along that great Gulf coast line?

Mr. WITHERSPOON. Well, I will state, in answer to that, that the experts who appeared before the Committee on Naval Affairs have advised us of the possibility or probability in case of war that the seat of war will be in the Caribbean Sea.

Mr. MOORE of Pennsylvania. Yes.

Mr. WITHERSPOON. Wait a moment; and it does seem to me as though we ought to have a great navy yard there close to the seat of war. But I am a mere Congressman; I am not an expert on such matters; and the point I make is that I am not willing to act upon what seems to me to be best, but I insist that the Committee on Naval Affairs, if it ever does do its duty, will find out what is the best thing to do and do it before we waste any more money upon these navy yards.

Now, again I will illustrate the same thing. We have a navy yard at Mare Island, Cal. It has been demonstrated before the Committee on Naval Affairs that that navy yard is useless; that it is valueless; that the $12,000,000 that we have squandered there amounts to nothing, because the water is so shallow that you can not get your warships to it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FOSTER. Mr. Chairman, I ask unanimous consent that the gentleman may have five minutes more.

The CHAIRMAN. The gentleman from Illinois [Mr. FOSTER] asks unanimous consent that the gentleman from Mississippi [Mr. WITHERSPOON] shall have five minutes more. Is there objection?

Mr. ROBERTS of Massachusetts. Mr. Chairman, before the question is acted upon, I would like to have a little understanding on this matter. I have no objection personally to the gentleman from Mississippi going on for an hour or more, provided there will be no objection coming from the other side to the requests of those who want to take an equal amount of time to answer his arguments. We shall make no motion here to close the debate.

Mr. WITHERSPOON. And I shall not go on for an hour, either.

Mr. PADGETT. I want to say, Mr. Chairman, that I am going to make a motion to close debate in 15 minutes.

Mr. MURRAY. Mr. Chairman, I hope the gentleman will not do that until some of us have had an opportunity to discuss these paragraphs.

Mr. MANN. Mr. Chairman, could we not reach some agreement or arrangement about debate? Of course this is the first paragraph of a series of paragraphs covering navy yards. Gentlemen are discussing the whole subject apropos to this first paragraph. I have no idea that they will desire to renew the discussion in full on each paragraph. I would like to know what can be done in regard to the extension of time.

Mr. PADGETT. I will agree to 20 minutes' debate.

Mr. MURRAY. Mr. Chairman, I do not know what the disposition of my colleague [Mr. ROBERTS] is in regard to time, whether he wants 15 minutes or more, but I want 10 minutes myself, because this is a matter of vital concern, not so much to me as to my people, and I move, therefore, Mr. Chairman, that the debate on all the items——

Mr. MANN. We had better reach an agreement or understanding, because, of course, if you cut off debate on this item it will not be ended unless you have some understanding as to the other items, too.

Mr. MURRAY. I suggest that debate be extended on all items up to line 8 of page 27, to the item concerning the naval station at Guam; that it shall be understood to include all the items from line 18, page 23, to lines 8 and 9, page 27.

Mr. MANN. You can not do that.

Mr. SISSON. That is too much, Mr. Chairman. Take it to line 16 of page 24.

Mr. MANN. If you have full debate on this item gentlemen will not object when the chairman of the Committee on Naval Affairs moves to close debate on the other items after a little debate runs, according to the understanding arrived at.

Mr. MOORE of Pennsylvania. Mr. Chairman, has action been had on the request for unanimous consent?

The CHAIRMAN. It has not.

Mr. BATHRICK. Is it the intention to close debate on specific amendments?

Mr. MANN. Oh, not at all. It is just to reach an understanding that the debate will be had now, and not extended over each of the separate items.

Mr. BATHRICK. The debate on the question as to whether we should close the navy yards or not, and where?

Mr. MANN. Yes.

Mr. BATHRICK. I agree to that.

Mr. PADGETT. Well, Mr. Chairman, we will let the debate run a while. Let the gentleman from Mississippi [Mr. WITHERSPOON] proceed.

Mr. MANN. I ask unanimous consent, Mr. Chairman, that the gentleman from Mississippi [Mr. WITHERSPOON] have 10 minutes' time.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. WITHERSPOON. Mr. Chairman, I was proceeding to illustrate to the House the folly of spending money in a place where it would not be useful, and I was proceeding to illustrate it by Mare Island. It has developed before the committee that that great navy yard, upon which we have spent $12,000,000, is now practically useless because the water is so shallow that you can not get your battleships to it.

Mr. KNOWLAND. Will the gentleman yield?

Mr. WITHERSPOON. In just a minute I will yield. Now, in view of that fact, we have pending before the Naval Affairs Committee a proposition from some corporation to provide a dry dock about 30 miles from Mare Island to which we can take battleships to be repaired. We are considering that very proposition now, and the committee, not having time to go into it fully, decided to postpone it until the extra session of Congress. In consideration of that I have heard members of the naval committee, Republicans too, say, "I am willing to vote to close up and abandon Mare Island Navy Yard right now."

That is the kind of folly that we have been guilty of—spending money and finding out after the money was squandered that it ought not to have been spent. We have done that in other cases.

Some years ago, Mr. Chairman, these advocates of the expenditure and waste of the people's money conceived the idea that we did not need battleships so much as we needed armored cruisers, and so we started out on the new policy of building armored cruisers. We continued that policy, I believe, for about 8 or 10 years and built 11 armored cruisers, costing the American people $66,000,000. But after we had squandered and wasted the money we suddenly discovered that we did not need armored cruisers, but we did need more battleships, and so we abandoned that policy and have not built any for many years.

Mr. MURRAY. Will the gentleman yield?

Mr. WITHERSPOON. Yes.

Mr. MURRAY. There is no analogy between that proposition and this case. You are going to build a new navy yard as fast as you discontinue this, and it is going to cost fifty or a hundred million dollars.

Mr. WITHERSPOON. So far as analogy is concerned, I know sometimes a thing can exist when you do not discover it.

Mr. MURRAY. How much is it going to cost to establish the Narragansett naval base?

Mr. WITHERSPOON. The gentleman from Massachusetts does not understand my position. I speak from ignorance. I say I do not know, and the Naval Affairs Committee has been so absorbed in the great scheme of building battleships that it has not taken time to find out, and my position is that we ought not to squander the money until we do find out.

Mr. MURRAY. Those of us who know the gentleman give him more credit for intelligence than he is willing to give himself.

Mr. WITHERSPOON. I have a great many kind and generous friends.

Mr. MURRAY. And I hope I am one of them.

Mr. WITHERSPOON. I count the gentleman as one of the very best. Now, Mr. Chairman, it may be that there are strategic reasons, it may be that there are military considerations, which make it necessary that we should keep this navy yard at Portsmouth. If any such exist, the Naval Affairs Committee did not try to find it out, and I do not know, but I do say that as long as those that are in a position to know are telling us that these navy yards, all except two or three, ought to be abandoned, we ought to say that we will quit spending money on them until we determine that question.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. WITHERSPOON. Yes.

Mr. MOORE of Pennsylvania. There are more navy yards along the Atlantic coast than on any other coast. Is it not due largely to the fact that the population centered there, that the necessities of the Navy were there, and that to-day along the Atlantic coast is centered east of the Appalachian Range about one-third of the entire population of the country? Is it not natural that these yards should have been established there, and is it not natural that they should remain where the population is so congested as it is to-day and where labor and material is at hand?

Mr. WITHERSPOON. If the gentleman wants my opinion about it, there is plenty of labor and material on the coast of the Gulf of Mexico, and I expect there is a plenty on the Pacific coast. My answer to the gentleman's question is that, in my judgment, in the whole history of the American Navy, the adequacy and efficiency of the Navy and the economy of its administration and public defense have cut a small figure. It has been a matter of business to spend public funds in these places where it would do the most good politically. That is what I believe about it. [Applause.]

I found that on facts. I heard a member of the committee, when we were discussing the question of whether a certain appropriation ought to be withdrawn from a certain place where it was expended, tell how it would affect business there, how it would throw laborers out of employment, and he said it would be a shame to withdraw this appropriation under those circumstances and turn those people out of employment. Business, commercialism, greed, avarice! That is the cause of all this trouble, and if you would substitute American patriotism for it I submit we would have a more efficient Navy. [Applause.]

Mr. ROBERTS of Massachusetts. Mr. Chairman, the gentleman from Mississippi [Mr. WITHERSPOON], who has just taken his seat, stated as a fact that the Secretary of the Navy—and I assume he means the present Secretary of the Navy because I shall refer before I am through to the recommendations of other Secretaries of the Navy—had recommended the closing up of the Portsmouth Navy Yard, that being the one now under consideration.

Mr. WITHERSPOON. Mr. Chairman, the gentleman does not quote me exactly right.

Mr. ROBERTS of Massachusetts. I would like to quote the gentleman correctly.

Mr. WITHERSPOON. If I used the word "recommended," I used it inaccurately. I did not mean to say that the Secretary of the Navy recommended to us that we should put anything of that kind in this bill.

Mr. ROBERTS of Massachusetts. That is not the point.

Mr. WITHERSPOON. But that he gave it to us as his opinion that Portsmouth and Boston and one other navy yard ought to be closed.

Mr. ROBERTS of Massachusetts. Mr. Chairman, I challenge the accuracy of the statement, and I challenge the gentleman to point to any place in the records of the Naval Committee where such a statement appears.

Mr. WITHERSPOON. Let me ask the gentleman a question.

Mr. ROBERTS of Massachusetts. The gentleman from Texas [Mr. GREGG] made substantially the same statement—if the gentleman will pardon me a moment I think I can state a little later just how far that subject has gone and how far it had approval or disapproval.

Mr. WITHERSPOON. I would like to ask the gentleman a question. Has the gentleman read the testimony of the Secretary of the Navy through?

Mr. ROBERTS of Massachusetts. Oh, yes; this year and last year and in prior years.

Mr. WITHERSPOON. The gentleman will excuse me. I asked him a question. Has he read through the testimony of the Secretary of the Navy from beginning to end, and will he state that it is not in there?

Mr. ROBERTS of Massachusetts. Mr. Chairman, my recollection is that I heard all of that testimony, and was present when it was given. I do not have to read it to know what he said.

Mr. MURRAY. Mr. Chairman, will the gentleman yield?

Mr. ROBERTS of Massachusetts. Oh——

The CHAIRMAN. The gentleman declines to yield.

Mr. ROBERTS of Massachusetts. Mr. Chairman, I do not decline to yield if I can be given time. I do not wish to be discourteous, but I wish Members to understand that I have only five minutes, and if my time is to be taken in answering questions, I desire the privilege of extension in order that I may say what I have in my mind. With that understanding, I will yield. The gentleman from Texas [Mr. GREGG] made substantially the same statement, carrying the impression that the Secretary of the Navy has given the sanction of his great office to the closing of these yards and the establishment of another one. Another gentleman from Texas reiterated that statement, and when it was challenged, said that he had it from a gentleman in whose word he placed as much reliance as he did in that of the gentleman now speaking. I challenge it right from beginning to end. The gentleman from Mississippi [Mr. WITHERSPOON] says it is not necessary to point out where the Secretary of the Navy said that. The gentleman from Mississippi is too good a lawyer to believe that such a thing as that would go anywhere before intelligent men. When a statement is challenged, that statement being claimed to be based on another person's statement, it is up to the person whose word is challenged to point out where that statement was made, and the language in which it was made.

Mr. WITHERSPOON. Mr. Chairman, will the gentleman yield?

Mr. ROBERTS of Massachusetts. Yes.

Mr. WITHERSPOON. Did the gentleman from Massachusetts understand me to say that there was any such statement in the printed hearings or that the Secretary made the statement?

Mr. ROBERTS of Massachusetts. Mr. Chairman, while the gentleman from Mississippi was talking and ostensibly quoting the Secretary of the Navy, the gentleman from Massachusetts [Mr. MURRAY] upon that side challenged the statement and asked the gentleman from Mississippi to point it out, and the gentleman from Mississippi said it was not necessary for him to point out that statement.

Mr. WITHERSPOON. But I asked the gentleman a question.

Mr. ROBERTS of Massachusetts. I do understand the gentleman from Mississippi to be quoting the Secretary of the Navy.

Mr. WITHERSPOON. But the gentleman evades the question.

Mr. ROBERTS of Massachusetts. And to say that he can not point to those statements in any official record.

Mr. WITHERSPOON. But the gentleman evades the question. Did the gentleman understand me to say that there was any such statement in the printed hearings?

Mr. ROBERTS of Massachusetts. No; I did not understand him to say it was in the printed hearings. What I did understand the gentleman to say was that the Secretary of the Navy had so stated.

Mr. WITHERSPOON. I want to ask the gentleman another question.

Mr. ROBERTS of Massachusetts. The gentleman was asked where and under what conditions the Secretary had made that statement, and he said it was not necessary to state where and under what conditions.

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

Mr. ROBERTS of Massachusetts. I will.

Mr. WITHERSPOON. Will not the gentleman admit to this committee that when the hearings are typed off that they are sent to the Navy Department and they tell us there that they frequently erase things which were said in the hearings?

Mr. ROBERTS of Massachusetts. Oh, that is done.

Mr. WITHERSPOON. I want to make myself clear. I have not read the hearing of Secretary Meyer through from beginning to end to see whether that statement is in there or not, but I merely wish to be understood as asserting that I heard

him say so there, and I give the committee the benefit of my assertion that he did say it.

Mr. ROBERTS of Massachusetts. Well, now, Mr. Chairman, the Secretary of the Navy was questioned in the committee last year on this very proposition, and he was asked point-blank if he had any recommendations to make on the proposition of selling these yards and building a new one, and he said he had not; and he reiterated the same statement this year—that he has no recommendation to make. That is the point I want to bring out, that all this talk about discontinuance of certain navy yards grows out of the action of a board of the Navy Department.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MURRAY. Mr. Chairman, I ask unanimous consent that the gentleman's time may be extended five minutes.

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

Mr. ROBERTS of Massachusetts. All this talk about closing navy yards grows out of a tentative report made to the Secretary of the Navy by a board of naval officers, and the Secretary of the Navy has not yet given his sanction to that plan. It is a mere subterfuge seized upon by those who are posing as economists on this naval appropriation bill to throw dust in the eyes of the members of this committee to cripple not only the navy yards, but the effectiveness of our fleet by cutting out the appropriations necessary for the upkeep of that fleet when it comes to our navy yards for necessary repairs.

Now, I want to say a few words about the closing up of navy yards. There was a Secretary of the Navy who did recommend that the Portsmouth and Boston yards be closed. That was William E. Chandler, away back in the eighties, and under his administration as Secretary of the Navy those yards were substantially closed, and since then they have been reopened and adapted to the modern ships of war that have been built, and this Government has expended millions of dollars in dry docks, in buildings, in machinery, in everything that goes into the upkeep of a navy yard qualified from its equipment to handle vessels of war when they come in for repairs, and from the day of William E. Chandler down to the present time, I assert it again, no Secretary of the Navy has officially recommended either the closing up of the Portsmouth or the Boston yards. The present Secretary of the Navy two or three years ago did recommend the closing of certain yards and naval stations, and if Members will refresh their recollection they will remember that the Committee on Naval Affairs reported in the bill providing for the closing and sale of certain naval stations—Sacketts Harbor, N. Y.; Pensacola; New Orleans; and I think there was one other in New York Harbor, but I am not sure about that. I want to say that when that proposition came before the House it went out on points of order, and the committee have never been able to get or induce Congress to close and sell a single naval station or navy yard. Now, the present Secretary of the Navy, finding it impossible to get Congress to take this action on certain useless yards and stations, has exercised the power which he has as Secretary of the Navy to substantially, as the gentleman from Mississippi says, abandon certain yards. The gentleman from Mississippi did not use his words advisedly. The Navy Department has not abandoned the New Orleans station; it has not abandoned the Pensacola yard. Those yards are practically closed, but they are in the possession and care and control of the Navy Department. They are not active yards. The Secretary of the Navy, if he believes and has stated that Portsmouth should be closed, had it in his power to close it as tight as New Orleans or Portsmouth simply by diverting work from it.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. MURRAY. I ask unanimous consent that my colleague may proceed for five minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts? [After a pause.] The Chair hears none.

Mr. ROBERTS of Massachusetts. Mr. Chairman, in regard to the policy that certain Members of the Naval Committee and of this House seem to be bent upon following, taking these navy yards and naval stations one by one and moving to cut out every item for their maintenance and upkeep, I want to say simply this: The argument they have advanced as the basis of their policy is not a true and correct statement of the attitude of the Navy Department to-day as based on official reports and official statements as to what the department thinks should be done with certain yards. This question of closing navy yards has been to the fore ever since I have been here in this body, and that is now 14 years, and the nearest approach we have ever had to the closing of any yard has been the recommendation carried in the naval bill to close two southern yards, which went out on points of order. I want to say to the members of this committee that it would be the blindest and stupidest sort of economy to cut off appropriations for the live, active navy yards of this country because, forsooth, at some time in the dim and distant future those yards may be closed and the money we put into them now wasted.

I want to say, furthermore, that the subcommittee of the Committee on Naval Affairs which drew up this bill wrestled for days and days with each and all of the individual items connected with the upkeep of these yards, and what the committee has reported to this House is the result of the closest scrutiny and the most rigid economy that the members of that committee felt could be practiced and yet keep those yards in condition to meet the requirements of the Navy. And, if we have the welfare of the American Navy at heart, whether we are to close one or more or all of our navy yards and build new ones, we must in the meantime, until such a policy is adopted and the work actually carried out, and the new yards established and the old closed, keep up our active yards to the utmost efficiency. Otherwise our fleet will rapidly deteriorate. It will rapidly go to pieces, and will quickly be in a position where it will be utterly and absolutely useless to us should it be called on in an emergency.

And we, as American citizens and as legislators representing the best interests and the dignity and the honor of this country, can not afford to cripple our Navy by any such shortsighted policy as that. [Applause.]

Mr. MURRAY. Mr. Chairman, it is an error frequently made that the Secretary of the Navy [Mr. Meyer] is entirely in favor at the present time of the closing up of the navy yards at Portsmouth, Boston, and New York, but the fact is that, frequently as that error is made, the Secretary of the Navy never has written any further than to say that the recommendations of the Army and Navy General Board were worthy of entire consideration by everybody who was interested in that great matter.

Mr. Chairman, so frequently is this error made, that in a speech yesterday in this committee, without careful accuracy, I announced that over a year ago, the Secretary said he was opposed to further activities at the Boston Navy Yard and when I made that statement I was telling the truth. But it also is true that in his official recommendation the Secretary of the Navy has never gone any further than to say that this matter ought to be carefully studied and that men ought to give it their attention. I shall print in the RECORD, if I may, the statement by Secretary Meyer, in response to the question of the chairman of the Committee on Naval Affairs, when he appeared before that committee on February 26, 1912, and shall print, without objection, two pages of his testimony, pages 709 and 710, from the hearings before the committee.

Briefly stated, Mr. Chairman, his statements are that we have something like $55,000,000 to $60,000,000 invested in the three navy yards at Portsmouth, Boston, and New York, and I shall print further in the RECORD a detailed appendix, which the Secretary submitted to that committee, showing that the total cost of the land, and so forth, at Portsmouth was rising $18,000,000, that the total cost in Boston was rising $30,000,000, and the total cost in New York was rising $57,000,000; and if the proposition advanced by my distinguished colleague from Texas [Mr. GREGG] and by the gentleman from Mississippi [Mr. WITHERSPOON], whom I admire as much as I admire any man in this House, should prevail, that proposition means the abandonment of navy yards that have cost more than $105,000,000; that they can not bring, so far as anybody can see, anything like the amount of the original cost and investment; and a further expenditure of from $50,000,000 to $100,000,000 for the establishment of a naval base at Narragansett Bay. And yet these men who advocate this proposition pose as economists. Mr. Chairman, let me show the members of this committee that the only reason the Secretary of the Navy is not entirely on record in favor of this proposition is that when it was first suggested men like my colleague [Mr. ROBERTS], who is a member of this committee, like the distinguished Senator elect from Massachusetts [Mr. WEEKS], who himself has had naval experience, and some of the rest of us, went to the Navy Department and saw the Secretary and made an appeal to him, not on the grounds of local advantage, not on the grounds of local interest, but we made an argument to him on the grounds of economy. And by marshaling the facts and the figures that I have suggested here in this discussion we were able to show him that a Congress composed partly of a House that was elected on an economy program would never stand for the consideration of his proposition. Why, that is the reason that I urged it to the chairman of the committee, the distinguished

gentleman from Tennessee [Mr. PADGETT] when I first went to him to discuss the matter. I did not press my case, not even with my fellow citizen from Massachusetts, Secretary Meyer, on any ground of local interest, because I know that in his presence and in this presence such an appeal would have little, if any, consideration given to it. And if I could not present a better argument than local self-interest to this committee I should not while away the time of the House on this afternoon when time is of so much value in the consideration of this great measure.

Now, the facts are that we have three navy yards costing more than $125,000,000. The facts are that nobody can see more than $50,000,000 from the sale of those three yards and all the buildings and machinery that are in them. The facts are that the Secretary of the Navy is staggered at the probable cost of the new naval base that it is proposed to establish in Narragansett Bay, and that he himself is on record, inferentially at least, as pointing out that the establishment of that naval base means an expenditure of possibly $60,000,000.

It is all very well to criticize an item of $9,000 for the Portsmouth Navy Yard. It is all very well to criticize an item of $6,000 for the Portsmouth Navy Yard. It is all very well to criticize small items.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MURRAY. Mr. Chairman, I make the same request for myself now that I made for somebody else a little while ago.

Mr. GREGG of Texas. Mr. Chairman, I ask unanimous consent that the gentleman may have five minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. MURRAY. But, Mr. Chairman, you can not come to me with any plea of economy when the balancing of expenditures and receipts from your proposition will show a net outgo from the Treasury of the United States of rising $100,000,000.

Now, I have no reputation and no capacity for juggling these millions that gentlemen so lightly juggle, but I am able to add a column of three separate items, and I am able to verify the result that is set forth in the two books to which I referred. Mr. Chairman, we are supposed to be Representatives, but I sometimes wonder whether or not we do represent. I am trying to represent, just as I suppose and believe these gentlemen are trying to represent, not only the great general welfare, but also the interests of the particular district from which I come.

It is a tremendous problem for any man to conceive in his own mind what may be the fixed purposes and the definite hopes of all the people in more than 390 great congressional districts. I can not tell the committee what all the people of all these districts believe with respect to this matter, but I can say to you that when the announcement of the Army and Navy board was made, realizing the responsibility that rested upon me, as one Representative, to come into this House with definite information, I addressed a circular letter to every one of the 30,000 registered voters of the congressional district which I have the honor to represent.

And let me say to the Members here that of those 30,000 voters not more than 300 of them are employed in the Charlestown Navy Yard, and only a small proportion of them are at all dependent on the activities of that navy yard. My appeal was greater, then, than an appeal to any selfish class. My appeal was intended to be greater than such an appeal could be. It was intended to elicit a definite and clear expression of opinion that might be worth more than any original thought to which I might give expression.

I say to you, gentlemen, that, regardless of considerations of employment and similar considerations, the practically unanimous sentiment of the 5,000 replies I received was, with fewer exceptions than I could bear on the fingers of my two hands, entirely in favor of the retention of that navy yard and in favor of its development rather than for the curtailment of its activities and its industries.

Mr. Chairman, it is only a day or two ago that I received from residents of that congressional district an earnest plea and a wise suggestion that I try to have included in this bill an item appropriating $200,000 for the benefit of that navy yard, so that it might build any battleship which the United States might in future need. I believe it was a wise request. I believe it would be a wise economy to include the item in this bill. But I know the temper of the times, as I know something of the rules of this body, and I know that it would be sheer demagogy and a grand-stand play to the folks at home to attempt to have any such item included in the bill at this time.

I have frankly stated that, because of the considerations mentioned I should not ask this committee to include that item. But I sincerely believe it might well be included, and I honestly say that my judgment is it would eventually result in a saving of many times $200,000.

It is a notorious fact, discussed frequently by my friends who are described as economists, that it costs considerably more to build a battleship for the United States of America than it costs to build one for Great Britain or Germany.

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

Mr. MURRAY. I ask unanimous consent for three minutes more.

Mr. POWERS. Reserving the right to object, Mr. Chairman, I want to say that I will not object to this, but hereafter I shall object to any extension of the five minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MURRAY. I thank the committee for its courtesy. My proposition is, as I gather it from the talk of the economists, that it costs 30 or 40 per cent more to build for the United State of America these battleships than it costs Great Britain and Germany. I do not know the reason for the increase of cost, but my friends insist that the reason is because men in Great Britain and Germany glory in an opportunity to serve their Government; while men here in the United States, built in a different mold, fashioned in a different sort of civic spirit, believe it is wise and believe it is clever to soak the Government whenever they get a chance.

I accept the analysis that these economists give to me; and I say to them publicly here, as I have said to as many of them as I could talk to privately, that if their analysis is sound it seems to me that the wise thing to do is to keep our navy yards, particularly since we have a tremendous amount of money invested in them, so that these navy yards under the supervision of men trained at the Naval Academy for service, dedicated to their country, may be able to turn out these ships at considerably less cost than that for which they are now being built for the Government of the United States.

I know that men may say the Government building experiment was tried a few years ago, when the *Florida* was built in the New York yard and the *Utah* in a private shipbuilding yard. I know men may point to the fact that the showing made by the Government construction was considerably larger than the cost to the Government and to the contractors of the ship that was built in the private yard. But gentlemen forget when they urge this thought upon me that in those days the private shipbuilders were permitted to work their employees 9, 10, and even 12 hours a day, because there was not then the requirement that has since been written into the laws that for work being done, not only by the Government but also for it, contractors shall not be permitted to work their employees more than 8 hours in any given day.

I do not know how large an item of expense the labor cost was, but I do know that in a work of that great magnitude the labor cost must have a large relation to the total amount. [Applause.]

As an extension of my remarks, I append the following extract from Secretary Meyer's statement at the hearings:

The CHAIRMAN. Just make fully whatever suggestions you have to the committee.

Secretary MEYER. I made a recommendation to the committee a year ago, recommending the abolition of certain yards, because, with the Navy constituted as it is now, with a battleship fleet of 21 (including new and old type vessels), there was no longer a necessity for those stations, and I showed that if we abolished all those mentioned in my recommendation it would mean a saving of about $1,500,000 a year in maintenance, etc. After that, I studied the problems on the Atlantic coast from Charleston to Portsmouth and put the matter up to the General Board of the Navy, and after they had given me their opinions I further assigned it to the Joint Army and Navy Board for consideration, because a naval station is not a fortified station.

Quite the contrary, it rather invites attack to the harbor in which it is located and has no means of defense. Therefore, it would devolve upon the Army to defend that station in case of war. The Joint Army and Navy Board reported that the ideal plan for the Navy would be to have two great naval bases on the Atlantic coast in harbors which would receive and could maintain the entire fleet and its auxiliaries.

Mr. GREGG. Did they designate the places?

Secretary MEYER. Yes, sir; I will come to that. They further reported that Philadelphia, on account of its fresh-water basin, was valuable to retain as a station for the reserve fleet and for its maintenance there, because of the labor market and because the station was already there. While the station at Charleston, S. C., should never have been built originally, nevertheless, as it is already there, we can make use of it as a torpedo base. At Key West is a station for torpedo vessels, not an extensive naval base but merely as an adjunct to Guantanamo for the protection of the Gulf of Mexico. It supplements Guantanamo as a naval station, and the torpedo vessels can protect the entrance to the Gulf of Mexico from this point.

Then came the question of the best locations, according to the views of the Joint Army and Navy Board, as to two naval bases which would receive and maintain the fleet. It appeared self-evident that the only two places which could receive the fleet and all the auxiliaries, with harbors and anchorage sufficient for such purposes, were Hampton Roads, where we have the Norfolk Navy Yard, and Narragansett Bay, where there is

a large protected harbor with two exits and possibilities such as the Joint Army and Navy Board require.

The CHAIRMAN. What are the climatic conditions as to frozen water at Narragansett?

Secretary MEYER. Absolutely favorable. It is south of Cape Cod. The harbor is always open. Therefore, the question for me to consider was what was feasible, and whether it was possible to finally recommend the abolition of the Portsmouth, Boston, and New York yards, and in their place center a naval base in Narragansett Bay.

I am not prepared, as yet, to make a recommendation, for the reason that we are still studying and investigating. It requires a great deal of thought and consideration from many points of view. There has been a tentative plan made which would give us two docks 1,000 feet long, two docks 650 feet long, which would take in any battleship or *Dreadnought* up to the present time, and two small docks suitable for gunboats and destroyers, making six docks in all, and berthing space for 12 to 16 ships.

The CHAIRMAN. That is at Narragansett Bay?

Secretary MEYER. Yes, sir. There would be shops for Construction and Repair, and for Steam Engineering, and everything necessary for an up-to-date efficient navy yard. The questions that I have to solve are these: Whether that could be done without expense to the Government. That is, whether the proceeds from the sale of those three yards would be sufficient to pay for the reestablishment of a naval base necessary to the Navy's requirements at Narragansett Bay.

That is one of the problems. Second, before we commit ourselves, it is necessary to study the locality and see whether it is feasible and practicable; and third, to see whether it can be done within the estimates. It has been estimated that those three yards will bring from $24,000,000 to $25,000,000. We have tentative plans of what can be done at Narragansett Bay for $24,000,000 to $25,000,000, but it is necessary to make soundings. It is necessary for us to ascertain if it can be done. We do not propose to commit ourselves to something and find that it will cost double what we anticipated. Therefore, I am temporarily reporting this to the committee as I have always endeavored to do, in order that they may know what the department is considering. Until the engineers have thoroughly studied the locality, until they have made their soundings, and until they have tentative estimates of the cost which would be sufficiently definite to authorize a recommendation, I can not say anything further at the present time to the committee.

The CHAIRMAN. What has the Government expended on the three yards which it is proposed to sell for $24,000,000 or $25,000,000?

Secretary MEYER. About $55,000,000.

Mr. GREGG. What is contemplated at Guantanamo?

Secretary MEYER. Guantanamo is the natural naval base for the Caribbean Sea. It is the locality where we send the fleet every winter. It has a wonderful harbor, drilling grounds, rifle ranges, and climatic advantages in winter. It is only 700 miles from the Panama Canal. It is a protection for the Gulf of Mexico, and with the fleet at Guantanamo the Gulf of Mexico is absolutely secure.

Statement showing date of establishment; original cost of site; expenditures for buildings, public works, and improvements; machinery installed in the various buildings; and cost of maintenance of the several navy yards and stations to June 30, 1910; also the average yearly cost of maintenance for five years.

Stations.	Date of establishment.	Original cost of site.	Total expenditures for buildings, public works, and improvements, and machinery installed in the various buildings.	Total maintenance, including repairs.	Total cost of land, public works, improvements, machinery, and maintenance, including repairs.	Average yearly cost of maintenance for five years.
First-class navy yards (at home):						
Portsmouth	1800	$110,500.00	$10,006,929.89	$8,720,582.09	$18,838,011.98	$428,595.15
Boston	1800	360,782.26	14,015,799.50	16,007,646.23	30,384,227.99	916,535.41
New York	1801	590,123.15	25,867,974.92	31,177,278.60	57,635,376.67	1,958,452.92
Philadelphia	1868	Gift.	11,015,439.94	10,269,160.47	21,284,600.41	708,093.69
Washington	1800	157,099.00	11,969,124.71	13,197,175.25	25,323,398.96	728,695.26
Norfolk	1800	478,517.50	15,733,682.19	16,113,733.15	32,325,932.84	1,006,598.64
Mare Island	1854	83,491.00	17,644,057.09	17,363,162.17	35,090,710.26	1,051,424.93
Puget Sound	1891	18,212.50	5,610,377.53	3,769,602.96	9,398,192.99	469,012.97
Second-class navy yards (at home):						
Charleston	1901	105,207.00	3,857,180.01	778,381.52	4,740,768.53	142,952.38
Pensacola	1828	[1]	7,700,637.10	4,516,794.01	12,217,431.11	340,011.95
New Orleans	1849	15,000.00	2,684,151.18	701,984.69	3,401,135.87	112,098.79
First-class navy yard (abroad):						
Hawaii	1899 [4]	58,140.50	1,577,814.35	590,700.73	2,226,655.58	89,318.43
Second-class navy yards (abroad):						
Cavite	1898	[2]	2,523,136.35	8,723,088.71	11,246,225.06	1,056,401.84
Olongapo	1901	[2]	2,908,849.48	909,515.30	3,818,364.78	177,265.33
Naval stations (at home):						
Port Royal	1883	5,000.00	1,173,647.78	1,100,002.00	2,278,649.78	24,351.76
Key West	1854	156,111.83	2,205,440.23	1,787,934.35	4,149,486.41	143,096.25
Naval stations (abroad):						
Guantanamo	1903	Leased.	1,189,237.01	969,211.60	2,158,448.61	178,131.23
San Juan	1898	[2]	73,754.06	770,265.31	844,019.37	95,746.86
Guam	1898	[2]	296,624.14	1,253,188.58	1,549,812.72	180,510.90
Tutuila	1900	45,125.39	489,353.09	447,005.83	981,484.31	64,258.52
Training stations:						
Newport	1869	69,850.00	2,378,171.72	4,778,286.21	7,226,307.93	506,917.90
California	1898	[1]	344,969.36	720,656.07	1,065,625.43	96,084.07
Great Lakes	1905	Gift.	2,591,546.58	313,306.90	2,904,853.48	62,661.38
Coaling stations:						
Frenchmans Bay	1899	24,650.00	541,167.44	57,884.54	623,701.98	8,655.55
Bradford	1900	35,000.00	1,148,944.80	220,536.88	1,404,481.68	38,589.37
Pichilinque, Mexico	1900	.....	51,804.44	20,032.78	71,837.22	2,019.94
San Diego, Cal	1904	[1]	204,758.87	26,822.98	231,581.85	4,742.17
Tiburon	1904	80,000.00	556,409.53	98,124.75	734,534.28	19,490.97
Miscellaneous:						
Annapolis (Naval Academy)	1845	405,345.76	10,825,529.94	10,244,815.07	21,475,690.77	1,252,519.53
Naval proving ground	1890	38,220.00	944,620.24	1,206,324.75	2,189,164.99	120,790.63
Las Animas (naval hospital)	1907	[1]	374,573.42	827,247.52	1,201,820.94	165,449.50
Culebra (naval base)	1904	[2]	23,132.08	157,788.91	180,920.99	30,187.35
Sitka	1900	[1]	124,961.96	22,909.92	147,871.88	3,324.78
Yokohama	1900	.....	88,677.99	406,232.00	494,909.99	55,811.94
New London	1868	Gift.	431,037.46	337,561.68	768,599.14	13,156.05
Sacketts Harbor, N. Y	[3] 1846	4,425.00	36,387.05	14,820.95	55,633.00	[4] 647.98
Total	.....	2,840,800.89	159,209,903.39	158,619,765.46	320,669,429.74	12,252,602.82

[1] Military reservation.
[2] Acquired by conquest.
[3] First record of any appropriation being made for improvements or maintenance.
[4] Expenditure fiscal year 1910, $2,107.91.

Mr. POWERS. Mr. Chairman, I move that all debate on the paragraph and amendments thereto close in 10 minutes.

Mr. GREEN of Iowa. I shall not object, if I can have five minutes.

The CHAIRMAN. The gentleman from Kentucky moves that all debate on the pending paragraph and amendments close in 10 minutes.

The motion was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. GREGG].

Mr. GREEN of Iowa. Mr. Chairman, I have been trying to get recognition.

The CHAIRMAN. The Chair will recognize the gentleman from Iowa.

Mr. GREEN of Iowa. Mr. Chairman, I was greatly edified last evening in hearing the distinguished gentleman from Mississippi [Mr. SISSON] so eloquently and forcibly contrast the promises made before election by the Democratic Party with the utter absence of any fulfillment since that time. When I heard the gentleman in such scathing terms denounce the proceedings which have been conducted here by Members of his own party, I said, "Yea, here is a very Daniel come to judgment." I thought, then, the gentleman would proceed to separate the sheep from the goats and that we would finally understand who was responsible for the wasteful squandering of the money of the people which he described, but the gentleman at the close of his remarks contented himself with throwing some boquets at the Naval Committee. Then I listened a little further on with great interest to the remarks of the gentleman from Illinois [Mr. FOWLER] with reference to the dire consequences that were to happen to the gentlemen on that side who refused to support the policy of economy which he was advocat-

ing, and, as I understood him, in the next election they would surely be cast out into outer darkness, where there would be weeping and gnashing of teeth. I agree with him as to the casting out part, which I think the Nation will attend to in due time, when it has the opportunity; but I did sincerely hope that all of the serious physical disability which he then predicted would happen to those gentlemen would not come to pass, as so many of them are my good friends, and I feel so kindly toward them. Still I did not learn who was responsible for this wasteful expenditure until finally the gentleman from Massachusetts [Mr. CURLEY] rose to explain why this is being done here, and he said it was all owing, as I understood him, to the bad Republicans who were in charge of the departments, who were recommending that these enormous amounts be appropriated. But here we have to-day something that goes very much to the contrary.

The Naval Department—every naval expert that I or any other gentleman has ever heard of—has condemned appropriations for the Portsmouth Navy Yard. How long, O Lord, how long are we going to continue to appropriate money for the construction and maintenance and upkeep of navy yards to which our larger vessels and most of our smaller vessels can not approach on account of the water? We might as well have a navy yard, so far as practical usefulness is concerned, out on some duck pond in my own State. Why should we talk here at this time about the cost of a naval base at Narragansett Bay or some other place? What difference does that make? If this navy yard at Portsmouth is useless and is condemned as such by all naval experts, what difference will it ever make with respect to the construction of a new one? If it is necessary to have one constructed out of the public funds, then let it be constructed; if it is not necessary, the board of naval experts will not recommend it. This is the condition in which we find ourselves to-day, and I hope these appropriations will go out of the bill. It has long been a stench in the nostrils of the American people that for political reasons we establish and maintain naval stations in places like this. The time has come to stop it. The people are demanding and are earnestly expecting that blots like this upon our legislation will be wiped out, and I hope that the time has now come. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. GREGG].

The question was taken; and on a division (demanded by Mr. PADGETT) there were—ayes 51, noes 53.

Mr. GREGG of Texas. Mr. Chairman, I demand tellers.

Tellers were ordered.

The Chair appointed Mr. GREGG of Texas and Mr. ROBERTS of Massachusetts to act as tellers.

The committee again divided; and the tellers reported—ayes 63, noes 70.

So the amendment was rejected.

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

The Clerk read as follows:

Page 23, lines 20 and 21, strike out the words and figures "garbage crematory, $6,000."

Mr. GREGG of Texas. Mr. Chairman, an argument on the discussion of the amendment which has just been rejected was made by several gentlemen which is very misleading. They tried to create the impression by their argument that these amendments will destroy the efficiency of these navy yards. That is absolutely untrue. There is a provision in the bill for making all the necessary repairs and the upkeep of every single one of these navy yards, and we are not attempting to strike out that provision. This is simply objecting to the addition of new buildings on these yards. They will, under the provisions of this bill, be amply provided for and be efficiently maintained as going concerns. Every particle of repair work, every particle of building work that the Navy needs will be continued just the same. Not one part of it will be stopped. These will be maintained as adequate, efficient yards for all repair purposes and all work purposes. Be not misled. We are simply trying, while the question is up as to whether any of these yards shall be abandoned, to prevent the building of more expensive buildings upon them. In addition to all that, if they are kept up as efficient yards, why can we not cut out these provisions? They are not necessary for the efficiency of the yards. We can reduce this bill; we can reduce expenses independently of whether these yards are going to be abandoned or not. They can get along and do the work they have been doing without these appropriations. Why not, then, let us cut them out and wait, and if it is advisable to do it later appropriate for them at that time?

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

Mr. GREGG of Texas. Yes.

Mr. MANN. Was there generally any need of a garbage crematory at this place?

Mr. GREGG of Texas. Oh, it is desirable. All of this is desirable, and it is like in our private business around our homes—there are a great many things desirable we would like to have which we do not have.

Mr. MANN. Is not the trend now, even in private homes, to have some method of properly disposing of garbage instead of throwing it in the street or back yards?

Mr. GREGG of Texas. It is desirable; I do not deny that. All this is desirable, but they can get along without it, and have gotten along without it for years.

Mr. MANN. I did not know but the proposition might be to throw the navy yards on the garbage heap and burn them up.

Mr. GREGG of Texas. I expect for some of them it would be a matter of economy to do it. Now, gentlemen, I simply ask you, do not be misled. We are not crippling the working efficiency of a single navy yard in America—not one. They can all do their work. We are simply trying to stop the addition to buildings and the expenses growing out of that. [Cries of "Vote!"]

Mr. SISSON. Mr. Chairman, the gentleman from Iowa a moment ago wanted to know why it was we have had so much extravagance and referred to a statement I made on yesterday. Judge SAUNDERS took occasion to count the Democrats who went through the tellers in the effort to economize. I do not believe that there were more than 15 Democrats who went through the tellers in support of the committee, in the effort to cut out this useless expenditure of money until we can ascertain whether or not these are going to be retained, and there were 70 votes on that side, therefore there were 55 Republicans who went through the tellers in favor of extravagance——

Mr. MADDEN. Sixty-five and 15 make more than 70, does it not?

Mr. SISSON. Fifty-five Republicans went through the tellers. Well, I will say this, there were seven or eight Republicans over there who were honestly endeavoring to do their duty here; I will say that to the gentleman from Illinois. Now, my criticism is one of extravagance, irrespective of whether the extravagance applies to the Democratic membership of this House or to the Republican membership of this House. Nor do I intend in stating in reference to the Naval Committee to single that committee out, but at the other end of the Capitol there happens to be a body that now belongs to the gentleman's political faith, and they will add all the way from $35,000,000 to $40,000,000 to the Indian appropriation bill when it comes into the House, so the chairman informs me, which is just about double what it was when it left the House; $8,000,000 or $9,000,000 has been added to the river and harbor and the public buildings bill has been doubled at the other end of the Capitol, and if these increases are to be sustained by this Democratic House, I repeat that it is about time that the Democrats should take notice of the fact that Mr. Wilson will inevitably be confronted with a deficit in the Treasury unless they find some new method of taxation. They have one method now, and that is to raise an income tax, but they will be compelled, if these increases made at the other end of the Capitol are agreed to, to raise about $200,000,000 to prevent a deficit occurring. And another thing I want to say to this committee: These authorizations in this bill and in other bills we have passed will necessitate the next Democratic Congress taking care of them by spending more money than they now carry on the face of this bill, and I want to call the attention of Democrats to these items in this bill, and when these bills come from the other end of the Capitol it is up to the Democrats to make good their pledges to the American people, and, so far as I am individually concerned, I would rather these bills would die and let the next Democratic House, under a Democratic administration, take care of it. I hope I have made myself plain now to the gentleman from Iowa. [Applause.]

Mr. MANN. Mr. Chairman, the item upon which we just voted carried two provisions. One was to fit up a room for the storage of a crane, which I think nearly everybody admits is necessary, and the other was for a garbage crematory. The gentleman from Mississippi called attention to the fact that nearly all the Democrats voted against the item, which was really a vote against the garbage crematory. That is perfectly natural. This side believes in cleanliness, believes in a proper disposal of garbage. That side of the House does not appreciate the value of cleanliness or the proper disposal of garbage. They are opposed to burning garbage; they believe in throwing it upon a garbage heap in the back yard.

Mr. WITHERSPOON. Will the gentleman yield?

Mr. MANN. Certainly I yield to my distinguished friend from Mississippi, who is opposed to the garbage crematory.

Mr. WITHERSPOON. I would like to ask the gentleman from Illinois if it is a fact, as he states it, that the Republicans are so much in favor of what is clean why have they permitted for the last 50 years this garbage to stay there in an unclean state?

Mr. MANN. Why, Mr. Chairman, with the advance of civilization, with the advance of the promotion of cleanliness, we have come to learn in this country that it is necessary and desirable to burn the garbage. But you will learn it after you die, where they have places to burn. [Laughter.]

Mr. HAMILTON of Michigan. Where?

Mr. MANN. Well, where there are facilities. [Laughter.]

Mr. WITHERSPOON. The gentleman means that we will learn it after the Republican Party is dead, does he not?

Mr. MANN. No; because the Republican Party will not die. The gentleman need not worry about that. You are proving on that side of the House that you are not fit to live. [Laughter.] The gentleman from Mississippi [Mr. SISSON] says there are 63 who voted against the proposition, and most of them were Democrats; and then he seeks to avoid the responsibility. Where are the other 150 Democrats of this House? The gentleman has two hundred and thirty odd Members, or about that, and 63 of them, with 8 or 10 Republicans, voted against the proposition; and then he seeks to avoid the responsibility. If you wish to economize you may economize, but you can not charge this side of the House with the responsibility of legislation at this session. God forbid that we are responsible for the miserable manner in which you are conducting the public business. [Laughter.]

Mr. SISSON. If the gentleman from Illinois [Mr. MANN] will permit, I say, without hesitation, that the gentleman's question is a very pertinent one. [Laughter.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. GREGG].

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

Mr. GREGG of Texas. Division, Mr. Chairman.

The committee divided; and there were—ayes 56, noes 68.

Mr. GREGG of Texas. Tellers, Mr. Chairman.

The CHAIRMAN. The gentleman from Tennessee [Mr. PADGETT] and the gentleman from Texas [Mr. GREGG] will take their places as tellers.

While the vote was being taken,

Mr. RODDENBERY. A parliamentary inquiry, Mr. Chairman. Will it be proper to take the vote by tellers until first a vote has been taken by the committee to determine whether or not tellers are ordered by a sufficient number?

The CHAIRMAN. The Chair omitted that.

Mr. RODDENBERY. It will not affect the vote in any way?

The CHAIRMAN. Oh, no.

The tellers reported—ayes 49, noes 73.

So the amendment was rejected.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. FOSTER having taken the chair as Speaker pro tempore, a message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills of the following titles:

On February 18, 1913:

H. R. 24121. An act to pay certain employees of the Government for injuries received while in the discharge of their duties, and other claims.

On February 19, 1913:

H. R. 14053. An act to increase the pensions of surviving soldiers of Indian wars in certain cases.

On February 21, 1913:

H. R. 19191. An act for the relief of Christian Hedges; and

H. R. 22939. An act for the relief of John K. Wren.

On February 25, 1913:

H. R. 17260. An act to amend an act entitled "An act to establish in the Department of the Interior a bureau of mines," approved May 16, 1910;

H. R. 16127. An act for the relief of William Kaiser; and

H. R. 21220. An act to extend the power of the Commissioner General of Immigration, subject to the approval of the Secretary of Commerce and Labor.

On February 25, 1913:

H. R. 26648. An act for the relief of David Crowther;

H. R. 2839. An act for the relief of William Hommelsberg; and

H. R. 3957. An act for the relief of Isaac Thompson.

NAVAL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Navy yard, Boston, Mass.: Paving, to continue, $15,000; electrical system, extension, $5,000; railroad system, extension and equipment, $10,000; fireproofing of pattern shop, $22,000; remodeling building No. 40, $12,000; remodeling building No. 77 for boat storage, $15,000; power-plant improvements, $3,900; dredging, to continue, $10,000; sewers and drains, $3,600; moving boiler shop from building No. 42 to building No. 106, including necessary modifications in buildings, $25,000; additional oil storage, $5,000; extension to yard dispensary, $2,800; in all, navy yard, Boston, $129,300.

Mr. GREGG of Texas. Mr. Chairman, I move to strike out, in line 22, page 23, the words "paving, to continue, $15,000."

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

The Clerk read as follows:

Amend, page 23, by striking out, in lines 22 and 23, the words: "Paving, to continue, $15,000."

Mr. CURLEY. Mr. Chairman, I would like to ask the gentleman a question. I would like to know if he is aware of how much money has already been expended there for paving of the yard to date?

Mr. GREGG of Texas. This is carried in all of these navy yards nearly every year. I do not know how much.

Mr. CURLEY. Do you know how long it has been carried?

Mr. GREGG of Texas. I could not tell you that, but ever since I have been here.

Mr. CURLEY. Then, you are not familiar with the item, are you?

Mr. GREGG of Texas. I am familiar with it, and know that they have been carrying this item repeatedly, and that they can do without the paving.

Mr. CURLEY. Is it 10 years or 20 years?

Mr. GREGG of Texas. I am unable to say.

Mr. CURLEY. I do not think it is fair to strike it out without knowing.

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

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

Mr. GREGG of Texas. Division, Mr. Chairman.

The committee divided, and there were—ayes 28, noes 56.

So the amendment was rejected.

Mr. WITHERSPOON. Mr. Chairman, I move to amend line 23, page 23, of the bill, by striking out the words "electrical system, extension, $5,000."

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

The Clerk read as follows:

Amend, page 23, line 23, by striking out the words "electrical system, extension, $5,000."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi.

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

Mr. WITHERSPOON. Division, Mr. Chairman.

The committee divided, and there were—ayes 23, noes 66.

Mr. WITHERSPOON. Tellers, Mr. Chairman.

Tellers were ordered, and the Chairman appointed Mr. PADGETT and Mr. GREGG of Texas.

The committee again divided; and the tellers reported—ayes 30, noes 78.

So the amendment was rejected.

Mr. WITHERSPOON. Mr. Chairman, I move to strike out the twenty-fourth line on page 23, which reads, "railroad system, extension and equipment, $10,000."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Mississippi [Mr. WITHERSPOON].

The Clerk read as follows:

Amend, page 23, by striking out line 24.

Mr. WITHERSPOON. Mr. Chairman, this navy yard at Boston has existed for a long time. It has been doing its work, and it seems to have had sufficient facilities for transportation. The railroad that it already has has seemed to accomplish all necessary purposes, and here is a proposition to waste $10,000 in extending it.

I submit, Mr. Chairman, that this itself is a sufficient reason for striking this out of the bill, in addition to the fact, already disclosed to the House, that this navy yard may be abandoned. The Secretary of the Navy tells us that we need but three navy yards, and that the balance of them ought to be abandoned; yet here is a proposition to spend $10,000 in extending a railroad. I submit that it ought to be stricken out of the bill. [Cries of "Vote!" "Vote!"]

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

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

Mr. WITHERSPOON. A division, Mr. Chairman.

The committee divided; and there were—ayes 30, noes 45.

So the amendment was rejected.

Mr. WITHERSPOON. Mr. Chairman, I move to amend the bill by *striking* out the item on the first line of page 24, "fireproofing of pattern shop, $22,000."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Mississippi [Mr. WITHERSPOON].

The Clerk read as follows:

Amend, page 24, by striking out, in line 1, the words "fireproofing of pattern shop, $22,000."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Mississippi.

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

Mr. WITHERSPOON. A division, Mr. Chairman.

The committee divided; and there were—ayes 34, noes 49.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

Mr. WITHERSPOON. Mr. Chairman, I move to strike out the item on the first and second lines of page 24, which reads, "remodeling building No. 40, $12,000."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Mississippi.

The Clerk read as follows:

Amend, by striking out, on page 24, lines 1 and 2, the words "remodeling building No. 40, $12,000."

Mr. WITHERSPOON. Mr. Chairman, here is a building that they already have, a building that has been used, a building that has answered every purpose. The proposition is to waste $12,000 to remodel it. It does seem to me as though the old building might last and serve every purpose until we determine whether we are going to need either the old one or the remodeled one. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Mississippi.

The amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Navy yard, New York, N. Y.: Paving and grading, to continue, $15,000; yard railroad, extension and equipment, $25,000; dredging, to continue, $100,000, to be immediately available; improvement of water front, to continue, $100,000; raising freeboard of floating crane Hercules, $30,000; in all, navy yard, New York, N. Y., $270,000.

Mr. GREGG of Texas. Mr. Chairman, I move to strike out the paragraph.

Mr. FOSTER. Mr. Chairman, I make a point of order on the paragraph, on the words "to be immediately available."

The CHAIRMAN. Does the gentleman from Illinois [Mr. FOSTER] reserve a point of order?

Mr. FOSTER. I make the point of order on the words "to be immediately available."

Mr. PADGETT. Mr. Chairman, will the gentleman reserve his point of order so as to permit me to explain the necessity?

Mr. FOSTER. Yes; I reserve the point of order.

Mr. PADGETT. There is a contract under the appropriation of last year for dredging at about 30 cents a cubic yard. The price has now risen to where it is about 50 cents. Under the contract, if we can get this money now, we can continue to dredge and save 20 cents a cubic yard.

If we do not get it until July the contract will lapse and we will have to make another contract at a much higher price.

Mr. FOSTER. Let me ask the gentleman what has been done with the money appropriated last year?

Mr. PADGETT. They are using it for dredging now, but that was only for a part. We had a contract to take out the material at a cost of $3,000,000.

Mr. FOSTER. It is four months now to the 1st of July; have they exhausted all of the appropriation?

Mr. PADGETT. They will not have enough to last until July.

Mr. CALDER. Some of the battleships going into dry dock No. 4 have run aground, and the money appropriated last year is about used up. When the ship comes in to be overhauled, unless this bottom is taken out we will have the same trouble as we have had in the past two months.

Mr. FOSTER. How much money have they on hand?

Mr. CALDER. It is about exhausted, I am informed.

Mr. FOSTER. There ought to be a better statement than that.

Mr. PADGETT. The appropriation last year was for the purpose of dredging in front of the dry dock to make an entrance, and this money is alongside of the purpose of last year to dredge out the cob dock, a little island there, against which boats coming into the dry dock, if the tide is swift in any direction, as it often is, throws them against this obstruction. They want to get the benefit of the existing contract. If the money is immediately available so they can use it under this contract they will get it done for 30 cents. If it is not available until the contract lapses and a new contract is made, it will cost 45 to 50 cents.

Mr. FOSTER. Let me ask the gentleman from Tennessee, have they got a contract to spend this additional money?

Mr. PADGETT. It is in the contract. They stipulate that if the Government authorizes additional dredging they would do it at the same price as in their contract. In the meantime, the price has gone up. These men are bound by the contract, but the Government is not, because it is optional with the Government.

Mr. FOSTER. They do not say that they will agree to give them the contract immediately?

Mr. PADGETT. Well, it runs a certain time, and if we get the money before July we can get the dredging at a cheaper rate than if we do not get it.

Mr. GREGG of Texas. If the gentleman from Tennessee will pardon me, let me say to the gentleman from Illinois that if the appropriation remains in the bill, it ought to be made immediately available, because they are doing the work there now; they have not finished; but they want to make this contract now, and they can do it and get it done for the same price that they are now getting the work done at.

Mr. FOSTER. And if the money is made immediately available——

Mr. GREGG of Texas. It will save considerable money, because they can get it done at the old contract price.

Mr. FOSTER. Mr. Chairman, in view of what the gentleman from Tennessee and the gentleman from Texas has said, I shall not insist on the point of order.

Mr. SISSON. Mr. Chairman, I renew the point of order. This is clearly a deficiency.

Mr. PADGETT. It is not; it is a new appropriation. We are not asking for an appropriation to do work heretofore undertaken by the $50,000.

Mr. SISSON. Is all the work that this appropriation cares for to be done after the 1st of July?

Mr. PADGETT. It will be done after the 1st of July unless it is made available now.

Mr. SISSON. So much of the work is done in the last fiscal year, and will you not have a deficiency before the 1st of July?

Mr. PADGETT. No; if we did not have this authorization we would have no authority to do the work at all.

Mr. SISSON. Would the work stop now?

Mr. PADGETT. It would unless you give this money, and unless you authorize it and commence the contract will terminate. It is a question of whether we can get the contract done at 30 cents a yard or whether we shall have to pay 60 cents a yard.

Mr. HOBSON. Will the gentleman yield?

Mr. SISSON. Certainly.

Mr. HOBSON. I want to point out, in addition to what has been said, that the removal of this obstruction, the old cob dock, is one of the necessities of that yard. The currents are uncertain and swift, and it is one of the necessities that it must be removed. That has always been a most difficult harbor to enter.

Mr. SISSON. The only thing in my mind is this: If the gentleman can satisfy me that this is not a deficiency, I am going to withdraw the point of order, because the subcommittee on deficiencies is now in session.

Mr. PADGETT. This is not a deficiency.

Mr. MURDOCK. Mr. Chairman, what is before the House?

The CHAIRMAN. The gentleman from Mississippi is discussing a point of order.

Mr. PADGETT. Mr. Chairman, it is not a deficiency.

The CHAIRMAN. Is the gentleman going to make the point of order?

Mr. SISSON. Mr. Chairman, I am inclined not to make the point of order if it is not a deficiency. The gentleman assures me it is not and I withdraw the point of order.

The Clerk read as follows:

Toward the construction of a graving dry dock 1,700 feet long and 110 feet wide to connect the Delaware River and Reserve Basin (to cost not exceeding $3,000,000), $15,000; in all, navy yard, Philadelphia, $237,000.

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

Mr. TURNBULL. Mr. Chairman, I make the point of order——

Mr. KINKEAD of New Jersey. Mr. Chairman, I reserve the point of order.

The CHAIRMAN. The gentleman from Virginia is recognized.

Mr. TURNBULL. Mr. Chairman, I make the point of order on the latter part of this paragraph, beginning on page 24, line 24, with the word "toward," and ending on page 25, line 5, with the figures "$15,000," as follows:

Toward the construction of a graving dry dock 1,700 feet long and 110 feet wide to connect the Delaware River and Reserve Basin (to cost not exceeding $3,000,000), $15,000.

Mr. SISSON. Mr. Chairman, I reserve the point of order on the entire paragraph.

The CHAIRMAN. The gentleman from Virginia was trying to get the attention of the Chair, and he is a modest gentleman.

Mr. SISSON. Mr. Chairman, I want to get the attention of the Chair——

The CHAIRMAN. But the gentleman from Virginia may desire to do the same thing.

Mr. SISSON. Mr. Chairman, I simply do not want to lose any of my rights.

The CHAIRMAN. The Chair assumes that other gentlemen also have rights. The gentleman from Mississippi reserves the point of order on the paragraph. The gentleman from Virginia makes the point of order on the words beginning with the word "toward," in line 24, page 24, and ending with the figures "$15,000," in line 4, page 25.

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

Mr. TURNBULL. Mr. Chairman, I make the point of order that it is not authorized by law.

Mr. LEE of Pennsylvania. Mr. Chairman, I will ask the gentleman to withhold his point of order.

Mr. TURNBULL. I will reserve the point of order.

Mr. FOSTER. Mr. Chairman, I make the point of order.

Mr. MOORE of Pennsylvania rose.

The CHAIRMAN. Does the gentleman desire to be heard on the point of order?

Mr. MOORE of Pennsylvania. I think my colleague, Mr. LEE, would like to be heard on the point of order.

Mr. TURNBULL. Mr. Chairman, I reserve the point of order at the instance of the gentleman from Pennsylvania [Mr. LEE].

The CHAIRMAN. The gentleman from Illinois has made the point of order.

Mr. FOSTER. Mr. Chairman, I will reserve the point of order.

Mr. LEE of Pennsylvania. Mr. Chairman, when the Secretary of the Navy appeared before the Committee on Naval Affairs on January 11, 1913, he stated:

I do not know whether this will stir up a discussion, but I want to go on record that there should be a 1,000-foot dock on the Atlantic and one on the Pacific coast.

In reply to a question from the chairman as to where the dock should be, the Secretary stated:

I would like to leave the location to the judgment of the committee.

Mr. Chairman, the question of a large dry dock on the Atlantic coast has been a matter of great discussion before the Committee on Naval Affairs for the past year, and on May 11, 1912, the Committee on Naval Affairs visited the Philadelphia Navy Yard for the purpose of ascertaining whether that yard would be the proper place to construct a dock of this kind. On that occasion the Secretary of the Navy requested Rear Admiral Stanford, the Chief Engineer of the Bureau of Yards and Docks, to accompany the committee for the purpose of pointing out the location and the necessity of this proposed dry dock. On Admiral Stanford's return the Secretary of the Navy requested that he and Capt. A. W. Grant, the commandant at the Philadelphia Navy Yard, report to him in writing the advisability of constructing this dock at the Philadelphia Navy Yard, and it was on the strength of this report, which appears in the hearings on page 146, that the Secretary of the Navy requested the Committee on Naval Affairs to designate the location of this proposed dock.

Mr. Chairman, the fact that the department has designated the Philadelphia Navy Yard as a reserve basin for our fleet makes it the chief naval base of the Atlantic coast. Nowhere along the entire stretch of our eastern seaboard is there to be found the advantages that are afforded at this yard. I wish to call attention to the natural security that the Philadelphia reserve basin affords our fleet. Situated as it is outside of the range of the most powerful guns, it has that protection which navy yards bordering along the Atlantic coast do not possess.

Another great advantage is the fresh-water basin, which prevents galvanic deterioration and barnacles of all kinds that form in salt water. Now, Mr. Chairman, the most essential feature of a navy yard is its dry docks. The importance of a yard can be measured by the capacity of its docks for handling naval vessels. The latest type of the battleships, the *Dreadnought*, has a beam of almost 100 feet. The two dry docks now at the Philadelphia Navy Yard have not the facilities for docking such great sea fighters as the *Wyoming*, the *Arkansas*, the *New York*, the *Texas*, the *Nevada*, the *Oklahoma*, and the *Pennsylvania*. There are only two dry docks on the Atlantic coast, one at New York and the other at Norfolk, that can receive those great sea fighters for repairs. Now, Mr. Chairman, Rear Admiral Stanford, in the hearings before the Committee on Naval Affairs, states that on account of the abundance of sand and gravel at League Island Navy Yard this proposed 1,700-foot dry dock with an intermediate caisson, making two dry docks in one, and also affording another and safer outlet from the great reserve basin to the Delaware River, can be built for less money than we can build a 1,000-foot dry dock in any other place in the United States. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. CURLEY. Mr. Chairman, I ask unanimous consent that the gentleman's time may be extended for five minutes.

The CHAIRMAN. Is there objection to the request of the gentleman? [After a pause.] The Chair hears none.

Mr. LEE of Pennsylvania. Now, Mr. Chairman, in regard to the point of order, I want to state that dry docks and battleships are interdependent and one is of no use without the other. A dry dock is simply one of the many tools employed by the department in building and repairing vessels, and no more requires a special act of Congress to authorize its construction or building than it does to buy the necessary tools to repair a collier, a torpedo boat, or a battleship.

I wish to call the Chair's attention to the naval bill of 1887 which carried two dry docks that were never authorized by law, but put into the bill by the Committee on Naval Affairs. In that case the committee requested the Secretary of the Navy to select the site; in this case the Secretary of the Navy has requested the committee to select the site.

I claim, Mr. Chairman, that if it is a continuation of public work to build battleships and repair them, it is likewise a continuation of public work to build a dry dock to repair them.

At this point, Mr. Chairman, I wish to insert the report of Rear Admiral H. R. Stanford, the Chief of the Bureau of Yards and Docks, and also the report of Capt. A. W. Grant, commandant of the Philadelphia Navy Yard, showing that the proposed 1,700-foot dry dock connecting the reserve basin with the Delaware River is a military necessity, and can be constructed for $3,000,000.

The report is as follows:

REPORT OF ADMIRAL STANFORD.

MAY 20, 1912.

From: Chief of Bureau.
To: Secretary of the Navy.
Subject: Additional dry dock, navy yard, Philadelphia, Pa.

1. A consideration of the subject of additional dry dock for the Philadelphia Navy Yard should be based primarily upon the present existing conditions and the special advantages which that station possesses for general navy-yard work and the service of the fleet. These facts, stated briefly, are as follows:

(a) The yard is located within the coast fortifications and may be considered safe from attack by sea.

(b) The climate of Philadelphia is temperate, neither extremely hot nor extremely cold—conditions which are most advantageous for continuous navy-yard work.

(c) The yard could not be better located with reference to material, supplies, and the labor market, and has excellent rail and traffic connections.

(d) The Philadelphia Navy Yard is the only fresh-water station, which is a matter of very great importance as affecting the fouling of ships' bottoms and galvanic deterioration.

(e) The navy yard is abundantly supplied at very low cost with a very high grade of potable water from the city's filtration plant, affording a service which can be safely utilized by vessels to such extent as they may desire.

(f) There are 16 berths—6 on the Delaware water front and 10 in the reserve basin—in which battleships may be secured, all within a radius of 1,700 feet, with the shops of the yard located almost at the center of the circle. This condition, which brings the vessels almost within a stone's throw of the repair shops, reduces transportation costs between shops and ships to a minimum and brings the cost of repairs to the lowest possible mark. The removal of a small projection on the west side of Pier No. 1 and the completion of a pier for which bids have

been received will add three additional berths to the Delaware water front, and the completion of the sea-wall extension in the reserve basin, which is now under way, will add one additional berth to the reserve basin, all of these additional berths being within the 1,700-foot radius. On the north side of the reserve basin there are four more berths for battleships, but at such a distance as to render these berths undesirable for general repair work.

(g) The berthing facilities may be indefinitely extended by the construction of additional sea wall and piers.

(h) The shops are modern in design, well located with reference to each other and to the docks and general yard facilities; all well equipped and can hardly be surpassed in the facilities which they afford for repair work.

(i) The yard is underlaid by a compact stratum of sand and gravel, which affords a solid and substantial support for buildings and equipment and which reduces cost of construction work, not only because of the excellent foundation which it affords, but also because of the supply of sand and gravel which it furnishes for use in the work.

(j) The area of the yard is ample for recreation purposes; for the large extension of barracks; for storehouses for advance base materials and general supplies; for hospital site; for prison site; for camp purposes for use in case of epidemic, or, if desired, for the accumulation of ships' crews; and, in general, has ample area for any additional buildings or constructions which may in the future prove desirable.

(k) There is a depth of 30 feet of water in the reserve basin at low tide. This depth will continue almost indefinitely without dredging operations, for the reason that the water of the basin carries very little silt, which would have to be periodically removed.

(l) The width and depth of the river in front of the navy yard is such that if desired a large number of vessels may be anchored in the stream.

(m) The ordnance stores at Fort Mifflin are a little over a mile distant from the yard, most conveniently located for the storage of ammunition and its distribution to the vessels at the yard.

(n) Large commercial coaling and oil-storage plants in the vicinity of the yard afford ample and convenient supply of fuel to meet the needs of the vessels, thereby avoiding the necessity for any considerable yard storage or coal-handling facilities.

2. The yard possesses three principal disadvantages:

First. Insufficient water at certain points between the Delaware Breakwater and the navy yard.

Second. The narrow and shifting channel which connects the Delaware River with the reserve basin and the rapid deposit of sediment in the channel, requiring frequent dredging operations and some considerable risk to vessels in passing from the Delaware River to the basin.

Third. Inadequate docking facilities. There are six vessels now under construction which will be unable to use the present largest dock. Two of these vessels, which are now being constructed at Philadelphia shipyards, will probably use the dock for preliminary cleaning before being fitted with their stores and accessories, a condition which obtains during processes of construction and which will not exist after the vessels are actually completed.

3. A number of the facilities and advantages of the yard as above noted are very unusual, and are not found at any other navy yard in the country, and are of such great value as to render the Philadelphia Navy Yard a conspicuously valuable adjunct of the service. The correction of the difficulty caused by shallow depth in the Delaware River approach to the yard is recognized by Congress and is being corrected, and in view of the commercial importance of the port of Philadelphia and its shipping facilities and of the large dimensions of the vessels which are operating in its commercial industries, it is safe to say that it is only a question of time before the Delaware River will be so improved as to withdraw all objections as to the safety and sufficiency of its channel. The natural difficulties caused by the Schuylkill River entrance to the reserve basin and by the inadequate docking facilities can readily be overcome by the construction of an additional dry dock as proposed. This dock would connect the reserve basin with the river and afford a reliable and independent connection between the river and the reserve basin. The dock would be divided into two parts by intermediate caisson. These parts could be used either singly or be merged into a single unit, a combination which would be sufficient for yard and port needs for many years to come. The division of the yard into two parts by the construction of a through dock, as above mentioned, will be obviated by so designing the dock caissons as to render them serviceable as crossings and also by a temporary structure spanning the dock which could readily be removed by the dock crane.

4. This recital of the advantages of the Philadelphia Navy Yard may seem a little enthusiastic, but I feel sure that it is not overdrawn in any way and that the advantages are all recognized and acknowledged by those officers who have been actually on duty at the yard and fully appreciate its resources. It is my opinion that the proposed dock would prove of inestimable value to the Navy and is really a military necessity.

H. R. STANFORD.

REPORT OF CAPT. A. W. GRANT.

[Copy of first indorsement of Capt. A. W. Grant, United States Navy, on letter of H. R. Stanford, United States Navy, Chief of Bureau of Yards and Docks, dated May 20, 1912.]

[First indorsement.]

No. 1105. MAY 27, 1912.

From: Commandant, navy yard, Philadelphia, Pa.

To: The Secretary of the Navy.

Subject: Additional dry dock, navy yard, Philadelphia, Pa.

1. With relation to the above-mentioned subject the following additional facts are submitted:

2. To show the yard's capacity in number of vessels that may be cared for it may be stated that at present there are berths on the Delaware water front of the navy yard for 6 battleships, and, upon the completion of Pier No. 5, there will be 2 additional, or 8 in all. There are at present in the reserve basin single berths for 14 battleships, and of this number 7 of the berths may be occupied by vessels lying double or treble banked.

3. In addition to the above, 12 battleships can be moored in the river abreast of the navy yard and Fort Mifflin. The river channel opposite the navy yard, about one-half mile in width, favors the handling of vessels at any stage of the tide.

4. This anchorage in front of the navy yard favors quick berthing and unberthing of vessels alongside of piers and permits of the movement to and from the sea of battleships in divisions or squadrons. This advantage is illustrated by the fact that a squadron of 8 vessels arriving off the breakwater at approximately low water can reach the navy yard in about 7 or 8 hours and the entire 8 vessels be berthed by using 2 tugs only in about 4 hours more time, or in 12 hours from the time of arrival off the Delaware.

5. Frequently mention is made of the depth of water in the Delaware as being an argument against the port, etc. All such arguments may be answered by the fact that merchant vessels of the American, Italian, and Hamburg-American steamship lines regularly visit Philadelphia. They are more than 500 feet long and draw in excess of 28 feet. The *Graf-Waldersee*, 561 feet long, drew 28 feet 2 inches on her latest trip when she left port. During the past 30 days 6 vessels drawing from 28 feet 2 inches to 29 feet have left the port and gone direct to sea.

6. One of the most pressing and urgent arguments for the construction of the dry dock from the reserve basin to the Delaware River lies in the fact that it will produce a channel of known width and depth to and from the reserve basin. The present entrance from the Delaware takes a course about one-half mile long through the mouth of the Schuylkill River; thence via a curved channel into the reserve basin. The Schuylkill River rapidly silts. In January, 1910, the depth was dredged to 30 feet. In August of that year it had silted in one spot, which was later dredged clear. At present the mouth of the Schuylkill has filled up about 4 feet, and was so reported to me in a letter from the director of wharves, docks, and ferries of the city of Philadelphia. The city expects to begin the operation of dredging the mouth of the Schuylkill July 1 this year. Any small obstruction in this channel would tie up the Government's entire reserve fleet for an unknown period of time. An instance in illustration is here given: In January or February during the past winter a coal barge was sunk in the Schuylkill River off the elevator at Girard Point. Its location was not determined. On the afternoon of April 24, 1912, engineers belonging to the department of wharves, docks, and ferries of the city were making a survey of the mouth of the river when the armored cruiser *Tennessee* was passing through the Schuylkill into the reserve basin. After she passed part of a hulk of a vessel was discovered in midchannel, and the remainder of the hulk was located in the Schuylkill and removed.

STRATEGIC POSITION.

7. Mention is frequently made of the military strategic value of navy-yard locations near Hatteras and Cape Cod. In the development of inland waterways, and in line with other great commercial undertakings, it may well be expected that in the near future the further development of the Delaware and Raritan Canal and the Delaware and Chesapeake Canal will place Philadelphia in ocean communication for large vessels via these routes, which will give the navy yard three routes to the sea,

which can not be equaled by any other location on the Atlantic coast.

8. In building such a structure as this dock, and to eliminate the first cost and upkeep of a floating derrick, it has been contemplated to lay on the east side of the foundations of the proposed dock the necessary foundation to carry a traveling swinging crane capable of taking weights of 150 tons from a vessel in the dock and landing them on the dock.

COST.

9. The present dry dock at this yard is approximately one-half the length of the proposed dock, and it cost less than $1,500,000. With the plant on hand for the construction, it is confidently believed that the proposed dock, although slightly larger in other dimensions, can be built for $3,000,000. This would include the foundation and track for the traveling crane. With this construction the Government would be saving the first cost and upkeep of the floating crane mentioned in the preceding paragraph.

A. W. GRANT.

Mr. LEE of Pennsylvania. I yield the balance of my time to the gentleman from Alabama [Mr. HOBSON].

The CHAIRMAN. The gentleman can not yield time. The Chair is ready to rule upon the point of order.

Mr. PADGETT. Mr. Chairman, I insist upon a ruling, we have not the time.

Mr. MOORE of Pennsylvania. Does the Chair decline to hear any further discussion on the point of order?

The CHAIRMAN. Not at all, but the Chair is ready to rule on the point of order.

Mr. TURNBULL. I make the point of order.

Mr. MOORE of Pennsylvania. I would like to say a word on the point of order.

The CHAIRMAN. The gentleman from Virginia makes the point of order.

Mr. MOORE of Pennsylvania. Will the Chair listen for one moment?

The CHAIRMAN. Yes.

Mr. MOORE of Pennsylvania (continuing). For a brief argument on the point of order. The gentleman from Pennsylvania [Mr. LEE] has very clearly stated what is in the mind of the delegation regarding the point of order. The Navy is building battleships increasing in size each year. We must necessarily have dry docks at the navy yards to accommodate these ships. The existing dry dock at Philadelphia, it is contended, is not sufficient in size to accommodate the modern *Dreadnoughts* which are being constructed, hence an appropriation for a dry dock of an increased size is in continuation of work already authorized by law. It seems clear the Chair can hold that an appropriation for a dry dock of a size sufficient to accommodate vessels that can not be accommodated in existing dry docks is in order. It seems to me the Chair would be justified in overruling the point of order, under rule 21.

Mr. VARE. Mr. Chairman, before the Chair rules upon the question I would ask unanimous consent to address the committee for two minutes upon the subject of dry docks in Philadelphia.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to address the committee for two minutes on the subject of dry docks in Philadelphia. Is there objection? [After a pause.] The Chair hears none.

Mr. VARE. Mr. Chairman, in May of last year the Committee on Naval Affairs made an extensive investigation into the merits of the proposed 1,700-foot dry dock at the navy yard in the city of Philadelphia, and as a Member of this House, in the district which I have the honor to represent, in which this great naval station is located, I accompanied that committee on that visit. They were accompanied by many distinguished Members of this House who were not members of that committee.

On that occasion, the chairman of the Rivers and Harbors Committee, the gentleman from Florida [Mr. SPARKMAN] said, and made it plainly known, that although he had not been on the congressional inspection party during the day, he was in favor of the League Island Navy Yard and the port in general.

The distinguished chairman of the Committee on Rules, the gentleman from Texas [Mr. HENRY], said:

> This great dry dock at the Philadelphia Navy Yard is a necessity. I am absolutely committed in favor of it and I will use every resource and every persuasion at my command to promote the bill providing for its speedy construction.

The gentleman from Alabama [Mr. CLAYTON], chairman of the Committee on the Judiciary, said:

> We are going to have this improvement because League Island is the best place on the Atlantic coast for a yard and a general fleet rendezvous. The Government now owns enough real estate. All it needs is to spend a few million dollars on improvements. We will have all these things. You Philadelphians have pleaded guilty too often to the charge of New York that you are asleep. I believe that you are now awake. You have here the best equipment for a navy yard that God ever gave.

Mr. MANN. Will the gentleman yield for a question? When were these remarks made?

Mr. VARE. On the 12th day of May, 1912.

Mr. MANN. Does the gentleman expect the Democrats will remember their promises that long?

Mr. VARE. I think gentlemen like these ought to keep their plighted faith to the people of Philadelphia.

Mr. KNOWLAND. Was it before or after the banquet?

Mr. VARE. I will say this was before the banquet.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the gentleman from Pennsylvania [Mr. VARE] have five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. VARE. Mr. Chairman, Philadelphia is a great city. It has always been liberal in its views. It is so liberal that 40 years ago it granted to this great Government the land, more than 900 acres, for the establishment of this great navy yard, and since that time as a municipality it has improved and made appropriations for a great public park on the outside of the yard, covering more than 310 acres, for which it has appropriated $3,000,000. It is building a great boulevard 300 feet wide to connect the navy yard with the city of Philadelphia. It has established a public plaza, covering four public squares of land, at a cost of $500,000. It has taken its filtered-water system under this entire boulevard, in order that the best possible quality of water might be furnished to the employees of the yard.

My friend from Massachusetts [Mr. MURRAY] a few moments ago spoke of the fact that only 300 of the employees in their navy yard out of a total population of 30,000 resided in his district. I want to say to this House that there is a shade larger percentage who reside in the district in which I live who are employed in the Philadelphia Navy Yard, and I am proud to say, whether it be a Democratic administration or whether it be a Republican administration, they all work for the advancement of the city of Philadelphia and for the entire State of Pennsylvania. Philadelphia is no mean city, and Pennsylvania is a great State. It furnishes one-twelfth of the entire membership of this House. It has been quite modest in its demands, and I want to say to my colleagues, with all due respect to my predecessor, whom I loved and respected, that so far as I am concerned I expect as one Member of Congress to do my utmost to see that Pennsylvania and the city of Philadelphia secure their just share of appropriations from the Public Treasury. [Applause.] I came here last fall, succeeding my distinguished predecessor, the Hon. Henry H. Bingham, who came to this Congress 34 years in succession, the longest continuous service of any Member who ever sat in this American Congress. I came here first by the nomination of the great Republican Party, and at that time I had the indorsement of my friends who represent the great Democratic Party.

I was returned at the November election with a majority of 15,000 over my Democratic opponent, and the people of the district I have the honor to represent gave President William Howard Taft the largest Republican majority he received in any congressional district in this great country. As to public economy, I am in favor of economy where it is well directed. And I might submit, in line with what my friend from Pennsylvania [Mr. LEE] has said, there is room for economy. And I want to say in that connection that we have a great fresh-water basin at the Philadelphia Navy Yard large enough to hold the entire fleet of the Navy of this great country, and the Navy Department might consider the policy of bringing many of these ships, probably now manned to their full capacity, and keep them with much reduced crews in reserve at this Philadelphia Navy Yard.

Mr. Chairman, I desire to ask unanimous consent to extend my remarks in the RECORD by inserting a letter from the South Philadelphia Business Men's Association and a communication from Admiral Stanford to the Secretary of the Navy; also a letter from Capt. A. W. Grant, commandant Philadelphia Navy Yard, in Philadelphia Press, February 20, and several letters from members on the Republican side of the Committee on Naval Affairs.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. VARE] asks unanimous consent to extend his remarks by the insertion of certain letters in the RECORD. Is there objection?

There was no objection.

Mr. LEE of Pennsylvania. Mr. Chairman, I would like to ask unanimous consent to revise and extend my remarks in the RECORD and to insert the report of Rear Admiral Stanford and the report of Capt. A. W. Grant, of Philadelphia.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania [Mr. LEE]?

There was no objection.

Mr. SAUNDERS. Mr. Chairman, has a point of order been directed to this paragraph, or reserved?

The CHAIRMAN. The point of order has been made against the paragraph.

Mr. SAUNDERS. It is admitted on the part of the Committee on Naval Affairs that it is subject to a point of order?

Mr. LEE of Pennsylvania. It has not been yet.

Mr. SAUNDERS. I thought so, on the authority of the committee.

Mr. MOORE of Pennsylvania. It has not been admitted.

The CHAIRMAN. It has been so stated to the Chair, and the Chair is ready to rule on it.

Mr. SAUNDERS. I do not care to argue it, Mr. Chairman, if the Chair is ready to rule.

Mr. LEE of Pennsylvania. I would like to state, Mr. Chairman, that this proposition was put on the naval bill by a vote of 12 to 5 in committee, and the Secretary of the Navy has recommended it since.

The CHAIRMAN. That has no bearing on the point of order. The Chair will state that this provision is obnoxious to clause 2 of Rule XXI:

No appropriation shall be reported in any general appropriation bill or be in order as an amendment thereto for any expenditure not previously authorized by law.

The same question has been passed upon a number of different times, and it has been expressly held that an amendment like this is not in order. I read:

On March 25, 1896, the House being in Committee of the Whole House on the state of the Union, considering the naval appropriation bill, Mr. Henry H. Bingham, of Pennsylvania, offered an amendment appropriating the sum of $200,000 for the construction of a dry dock at the League Island Navy Yard.

Mr. Nelson Dingley made the point of order that the proposed appropriation was for an object not authorized by law.

After debate, the chairman [Mr. Albert J. Hopkins, of Illinois] ruled that the point of order was well taken. The Chair will not take the time to read the ruling, but the same ruling has been made in other and like cases.

Mr. LEE of Pennsylvania. Can the Chair cite the authorities?

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The Chair can cite a number of authorities.

Mr. LEE of Pennsylvania. I would be glad if he would.

The CHAIRMAN. I read:

On April 10, 1890, the House was in Committee of the Whole House on the state of the Union considering the naval appropriation bill.

Mr. Theodore S. Wilkinson, of Louisiana, offered this amendment:

"For the purchase, under such regulations as the Secretary of the Navy may prescribe, of additional lands for a site for a navy yard and dry dock at or near the lands bought by the United States for a naval depot at Algiers, La., the establishment of which navy yard and dry dock at Algiers, La., was recommended by the commission of naval officers appointed under the act of Congress approved September 7, 1888, a sum not exceeding $75,000."

Mr. Charles A. Boutelle, of Maine, made the point of order against the amendment.

The Chairman ruled:

The Chair is of opinion that this amendment is obnoxious to clause 2 of Rule XXI. The proposition of the honorable gentleman from Louisiana is to make an appropriation for the purchase of a site and the establishment of a navy yard and dry dock, which is not an expenditure "previously authorized by law," nor is it an appropriation "in continuation of appropriations for such public works and objects as are already in progress." It does change existing law by authorizing that to be done which is not now authorized by law. It is in sympathy with the proposition contained in the bill against which the point of order was made, and the Chair thinks the point of order is well taken as against this proposition, both in the letter and the spirit of the rule.

That is in Volume IV of Hinds' Precedents, section 3729.

Then, again, on a point of order raised by Hon. William S. Holman, of Indiana, a similar ruling was made by Hon. BENJAMIN F. SHIVELY, of Indiana, in a case similar to this, which is found in section 3730, Volume IV, Hinds' Precedents.

A like ruling was made by Hon. James S. Sherman, of New York, in a similar case to be found in section 3732, Volume IV, Hinds' Precedents. And there were other rulings.

Mr. LEE of Pennsylvania. The item for the Louisiana dry dock was, as stated by the Chair, for the purpose of buying a piece of property.

The CHAIRMAN. The League Island Navy Yard case is on all fours with the one now pending, and this is for a dry dock in the very same navy yard.

Mr. SISSON. I reserved a point of order on the entire paragraph, and there is another item in it to which I desire to call attention.

The CHAIRMAN. The gentleman will indicate the item.

Mr. SISSON. In line 18, on page 24, the words—

To be immediately available.

It is—

To complete rebuilding building No. 7 for central offices, to be immediately available, $50,000.

Mr. PADGETT. The words "to be immediately available" are subject to the point of order.

Mr. SISSON. Then I will make the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. SISSON. I will ask that the total be amended by deducting $50,000.

Mr. MOORE of Pennsylvania. Does the gentleman wish the $50,000 to go out, or only $15,000 for extension?

Mr. PADGETT. The gentleman ought not to strike out the building.

Mr. SISSON. There is only $15,000. I ask that the amount be reduced $15,000.

Mr. PADGETT. That is correct.

The CHAIRMAN. The point of order is sustained to the language—

To be immediately available—

in line 18, page 24.

Mr. SISSON. Then I offer an amendment to correct the total by deducting from the amount, in line 5, on page 25, the sum of $15,000.

The CHAIRMAN. The Clerk will correct the totals.

Mr. SISSON. Then that amendment is considered as agreed to?

The CHAIRMAN. The Clerk will correct the totals.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word.

Those who are talking economy in this House have stricken out of this item, so far as it relates to the Philadelphia Navy Yard, a total of $65,000. This is done without any regard whatever to the necessities of the situation. As I stand upon the floor of this House and observe the tendency of those who are preaching economy on the other side, gentlemen the population of several of whose States does not equal that of the single city of Philadelphia, some of whose States create no revenue for this Government, I am amazed at their undertaking to direct the trend of affairs and to cut down the institutions that are revenue-creating and that help to maintain this entire Government, and that provide even "the pork" that goes into your public-building bills, your river and harbor bills, and the other appropriation bills that you are watching with such avidity.

Pennsylvania has a population of nearly 8,000,000 people. To be accurate, according to the last census it has 7,665,000 people. That is one-twelfth of the population of the entire country. And yet the gentleman from Mississippi [Mr. SISSON], without regard to the great wealth and industry of the Commonwealth of Pennsylvania, without regard to the fact that his own State contributes scant revenue to the Government, knocks out item after item, in the interest of alleged economy, tearing down labor, tearing down the material men, and generally undermining the structures that have been reared, and all in the name of economy.

The city of Philadelphia has 1,500,000 people, according to the census of 1910, which is equal to the population of the entire State of Arkansas. It has a greater population than Arizona, than Connecticut, Delaware, the District of Columbia, Florida, Idaho, Maine, Maryland, Montana, Nebraska, Nevada, New Hampshire, New Mexico, North Dakota, Oregon, Rhode Island, South Dakota, Utah, Vermont, Washington, West Virginia, or Wyoming. It is bigger than any one of those States, and yet we can not get consideration even to the extent of $50,000 to reconstruct a burned building at the navy yard at which the battleships of the Nation are repaired and provided for.

Mr. SAUNDERS. Will the gentleman yield?

Mr. MOORE of Pennsylvania. I refuse to yield now. This city of Philadelphia, concerning which we hear so much said in the House, is, or ought to be, on a parity with other great cities of the United States. It has a population equal almost to that of Louisiana, of Mississippi, of South Carolina, or of Oklahoma. With the city of Pittsburgh thrown in, it has a population which is equal to that of the State of Alabama, which is now running this House, and which is directing the country to-day, in the matter of appropriations. It is one city of great wealth, with great manufactures, and is equal—and with its sister city of Pittsburgh—equal in population and greater in wealth than the whole State of Alabama, from which the affairs of this Government are being directed just now.

Mr. LINTHICUM. Will the gentleman yield?

Mr. MOORE of Pennsylvania. No; I can not, because I have something to say, and I want to say it.

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

Mr. MANN I ask unanimous consent that the gentleman may have five minutes more.

Mr. MOORE of Pennsylvania. I ask unanimous consent to proceed for five minutes.

Mr. LINTHICUM. Reserving the right to object, if the gentleman will yield to me for a question——

Mr. MANN. Mr. Chairman, if a man can not have his time extended without entering into an agreement to answer a question, let the gentleman object.

Mr. LINTHICUM. I have not raised my voice during the discussion of this bill.

Mr. MANN. The gentleman has had plenty of opportunity.

Mr. LINTHICUM. I have the right to object.

Mr. MANN. The gentleman has the right; let him object.

Mr. LINTHICUM. I will not object, Mr. Chairman. I think the gentleman will yield to me.

Mr. MOORE of Pennsylvania. I will be glad to yield in a moment.

The CHAIRMAN. The gentleman from Pennsylvania will proceed.

Mr. MOORE of Pennsylvania. Mr. Chairman, regardless of the manner in which the revenue of this country is raised, by which we produce the money that you put into your public-building bills, and your river and harbor bills, and your "pork-barrel" bills generally, you are giving away in these bills, upon the testimony adduced from your own side, more money than we have been able as a Republican administration to produce and more than you can ever produce on your side under the policy you are advocating. And yet you find fault with the great cities and cut their appropriations; you want the money to dredge rivers that have no navigation, to put up public buildings in little towns with no population, and as you say the cities are robbing you—you keep taking it all. How much do you produce in comparison with what these cities produce? What do you contribute toward the receipts of this Government out of which you take your proportion. What do you contribute toward the receipts out of which the customhouses give you $311,000,000 a year? Of this vast sum, the city of New York gives you $206,000,000; Philadelphia, at her customhouse, gives you over $20,000,000; Massachusetts, out of her customhouse at Boston, gives you over $24,000,000; Maryland, at the Baltimore customhouse, gives you over $4,000,000. Out of the total of $311,000,000 these four ports give you $254,000,000, and you take it and put it in your pockets to scatter through the districts of your country and you do not even say, "Thank you, Mr. Republican Administration," for the manner in which we have given it to you.

Mr. SAUNDERS. Will the gentleman yield to a question?

Mr. MOORE of Pennsylvania. And yet you are to-day advocating a policy of free trade, and have already put it in the Panama Canal bill. You propose to tear down the revenues raised at the customhouses, and yet you want more money in order to build your little buildings and dig out your little streams all over the United States at our expense. Take the matter of internal revenue. You now get a great deal out of corporations throughout the country. They do not operate on the farms. You get a total of $321,000,000, all told, out of which New York contributes $43,000,000, Pennsylvania $26,000,000, Illinois $52,000,000, Indiana $30,000,000, Missouri—which is a great State with a great Speaker—$23,000,000, Ohio $12,000,000, and all told about 15 of the large States contribute the total of $321,000,000, and Mississippi and Alabama, largely, are now distributing it to their respective friends throughout the United States; and meanwhile you are trying to hold intact upon the other side a leadership which is fast falling to pieces. You are, by this means, undertaking to control the wild horses of Democracy that have come in from everywhere to get their little bit.

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

Mr. SHACKLEFORD. Mr. Chairman, I desire to be heard in opposition to the gentleman.

Mr. MOORE of Pennsylvania. But I have not yet finished.

Mr. CALDER. Mr. Chairman, I ask unanimous consent that the gentleman have five minutes more.

The CHAIRMAN. Is there objection?

The was no objection.

Mr. MOORE of Pennsylvania. And out of the country districts, from the backwoods somewhere, comes the hue and cry against the internal-revenue system. The nonrevenue producing States are demanding prohibition and trying to enforce it everywhere, while the moonshine distilleries are running up in the mountains and the blind tigers are in full operation, and no revenue as a result of the business. Yet they are drawing upon the great States constantly for revenues that come in from the whisky and tobacco business and from the customhouses.

Mr. CALLAWAY. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Will the gentleman yield?

Mr. MOORE of Pennsylvania. You want prohibition. You want to suppress whisky and the whisky trade. You want to hold tobacco smoking and chewing as immoral and improper, but you like the money just the same, and you are taking it out of our navy yards and our customhouses and taking it away from our public institutions in order that you may still distribute your little piece of pork.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired. [Cries of "Oh, no."] The Clerk informs the Chair that the gentleman's time has expired.

Mr. MANN. Mr. Chairman, but a request was made a moment ago, and we all thought that it was granted, to have the gentleman's time extended. The gentleman from New York [Mr. CALDER] made the request.

The CHAIRMAN. The Clerk informs me that he may be in error.

Mr. MANN. I should think he is.

Mr. SHACKLEFORD. Mr. Chairman, I ask that the gentleman have five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MOORE of Pennsylvania. No patriot coming from the Gulf or borders of the Great Lakes, coming from the East or the West, has greater desire than I to see that beautiful, balmy country down along the Gulf bloom and blossom as the rose. I want to see industry there and great prosperity. I would like to see your navy yard at Pensacola teeming with industry, building ships and repairing them, with thousands of skilled mechanics working round about; but I did not see them when I was down at Pensacola, and I believed it needed a little more money and a little more energy to put life and vim into that beautiful and delightful locality.

I do not wholly blame you now that you have control of this House, now that you have your hand upon the Treasury of the United States, for taking all the money you can get and putting it down where it will do you the greatest good. You have been waiting many years for this opportunity. The power is all yours. The money is within your grasp, and some of you, though you hesitate, seize it just the same. The gentleman from Georgia, in his somewhat heated remarks yesterday in his controversy with his fellow Member from Massachusetts, which he may or may not have regretted, let the cat out of the bag. You have come into your own; you are going to use it; you have been waiting a long while, and now you are going to build up your country. But do not build it up by tearing us down, for we will come back in two years, and we still want to continue in your good graces, as we hope you will in ours. Bear in mind that though some of your States are burdened with debt you have great wealth possibilities. Bear in mind that northern capital has come into Alabama and is going into the other States and that it is not fair the moment it comes to close the door upon it and tell those who have made their investments that they were bunkoed in the game. Give those who have energy and enterprise and willingness to work a chance to help, whether Democrats or Republicans control; but bear in mind when you begin to tear down the institutions from which your power comes, from which you draw your strength, your financial strength in particular, that you had better be careful about tearing down the internal-revenue system and the customhouses, because they are the bone and sinew that provide the means. And bear in mind also, in Alabama and elsewhere, where the debts of the States are a matter of regret, that in Pennsylvania we have cleared ourselves absolutely from debt and as a State institution owe no man anything. Bear in mind that this is the result of a Republican administration, of a policy of protection, of a policy of maintenance of law as superior to lawlessness, of a policy that has held the moonshiner in check and kept the illegal operator under the hand of the law. Bear in mind, down in Mississippi, too, whence you are bringing us the great lessons of economy preached to-day, that if you have been backward in the past and your population has not advanced, even beyond that of the great single city of Philadelphia, that the fact that you do not contribute $1 in internal revenues to this Government and only $16,000 in the matter of customs that we will bear you no ill will, but wish in justice to our institutions and yours that we may progress together. [Applause.]

Mr. PADGETT. Mr. Chairman, I move that all debate upon this paragraph and all amendments thereto close in 10 minutes.

Mr. HARDY. Before the chairman rose I desire to state to the Chair that I had addressed the Chair.

The CHAIRMAN. The question is not debatable. The question is on the motion of the gentleman from Tennessee that all debate on this paragraph and all amendments thereto be closed in 10 minutes.

The question was taken; and on a division (demanded by several Members) there were—ayes 84, noes 27.

So the motion was agreed to.

[Mr. SHACKLEFORD addressed the committee. See Appendix.]

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Navy yard, Washington, D. C.: Water-front improvements, to complete, $35,000; paving, to continue, $2,500; sewerage, to extend, $5,000; railroad, extension, $2,500; heavy gun scales, $8,000; in all, $53,000.

Mr. SISSON. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Mississippi [Mr. SISSON] moves to strike out the last word.

Mr. SISSON. Mr. Chairman, the gentleman from Pennsylvania [Mr. MOORE], in his criticism of me for exercising one of the rights of membership in this House, doth take the position of a mighty Colossus. He not only assumes to represent the city of Philadelphia, but he also assumes to represent the whole State of Pennsylvania, and utterly eliminates from that great State every other Representative that happens to be therein.

But if the gentleman will stop for one moment and consider this fact, his enlarged perspective will enable him to see himself in smaller proportions than those in which he now sees his mighty form [laughter], because he represents only one district, with about the same population that the districts of all these other men contain, and there is no reason why he should be so much greater than the other Representatives here.

But when he discusses the conditions down in my own State, I say to him that we produce there on the fertile cotton fields, without one dollar's protection to that industry, magnificent crops of cotton and send the product abroad and throughout the country, and produce corn and meats and lumber and all those other products natural to a great agricultural State, upon which we get no protection; and when the gentleman, in his great city, has the protection which his party has been giving it all these years, it comes with poor grace from him to say that he has given this to us, when every farmer who goes into the store and buys his plows and tools and other implements made from iron must pay not only the profit upon the manufactured article but must bear the additional burden imposed on him to support infant industries, which have grown so mighty and so great. [Applause].

The gentleman reminds me of a story which I heard the late lamented Bob Taylor tell of an old gentleman and an overgrown boy who was going with his mother down the road on one occasion. The boy weighed about 180 pounds, although he was only 18 or 19 years old. The boy was crying on the road. A gentleman rode up and said, "My boy, what in the world are you crying about?" The boy was sobbing as though his heart would break. The gentleman said, "What in the world is the matter with you? What are you crying about?" "My mother, my mother," sobbed the boy. The gentleman asked, "Is she sick?" The boy said, "No." The gentleman said, "Is she dead?" The boy replied, "No." "Then, what is the matter with you?" asked the gentleman. The boy said, "She has been trying to wean me for the last two or three weeks." [Laughter.]

The gentleman from Pennsylvania and his people have had all the advantages of all the protection that his great party could give to him and them. We have asked for none, and the public buildings in the gentleman's own city have cost three or four times as much as all the buildings that have been erected in my State. When the gentleman discusses the public buildings bill he ought not to shake his locks at me, because I voted against the public buildings bill.

Now, I hope that speeches like the one the gentleman from Pennsylvania has made will not be repeated here. The gentleman seems to be a little angry because I made a point of order against an item that went in the bill that happened to affect his city. I did not know that the item related to his district or to anybody else's district.

It was a point of order which I desired to make. It was a point of order which I did make, and the Chair sustained it, and I was absolutely within my rights in making the point of order.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word.

Mr. PADGETT. Mr. Chairman, I move to close debate upon the paragraph and all amendments.

Mr. MOORE of Pennsylvania. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MOORE of Pennsylvania. When two gentlemen take the floor and one addresses the Chair in advance of the other, is not that gentleman entitled to recognition?

The CHAIRMAN. The gentleman from Tennessee [Mr. PADGETT] is in charge of this bill, and as between the two the Chair will say that he is entitled to recognition.

Mr. MOORE of Pennsylvania. But I rose to make an amendment to the paragraph.

The CHAIRMAN. The gentleman from Tennessee [Mr. PADGETT] moves that all debate on this paragraph and all amendments thereto be now closed.

The motion was agreed to.

The Clerk read as follows:

Navy yard, Norfolk, Va.: Railroad tracks, extensions, $10,000; repairs, buildings, St. Helena, $25,000; improvements to water front, to continue, $50,000; paving and grading, to continue, $10,000; heating system, extension, $5,000; 150-ton crane (limit of cost not exceeding $300,000), $100,000; dredging, to continue, $40,000; water system, extensions, $7,500; sewer system, extension, $5,000; lavatories and toilet facilities, $5,000; compressed-air system, extensions, $5,000; in all, navy yard, Norfolk, Va., $262,500.

Mr. FOWLER. Mr. Chairman, I reserve a point of order against the paragraph.

Mr. PADGETT. I should be glad to have the gentleman state what his point of order is.

Mr. FOWLER. Mr. Chairman, I desire to inquire of the chairman what is the occasion for increasing the appropriation for this year more than $100,000 above the appropriation of last year?

Mr. PADGETT. The cause of it is an appropriation toward the construction of a 150-ton crane to transact the business at the yard.

Mr. FOWLER. That is the item against which I had my point of order directed. Is this to be used in connection with the operation of this navy yard?

Mr. PADGETT. It is a part of the machinery in the operation of it, in order to have a lifting machine there which will lift the heavy guns off from the ships and on to the ships, and to handle other heavy loads at the yard.

Mr. FOWLER. How has this been done heretofore?

Mr. PADGETT. It has been done, as far as it could be done, by smaller cranes; but the guns are increasing in weight and size and the ships are increasing in width of beam, so that a larger crane is now required.

Mr. FOWLER. Have they any cranes there now sufficient to handle these large cannon?

Mr. PADGETT. They have not.

Mr. FOWLER. What are the largest size cannon that are now handled there?

Mr. PADGETT. Fourteen-inch; and then there are the turrets on the ships.

Mr. FOWLER. I am inclined to think, Mr. Chairman, that the point of order will not lie against the part of the paragraph I have indicated, if it is a portion of the navy yard and used in operating the same.

Mr. PADGETT. I know it is not subject to the point of order.

Mr. FOWLER. For that reason I withdraw the point of order.

Mr. MANN. I reserve the point of order.

Mr. MOORE of Pennsylvania. Mr. Chairman, I reserve the point of order. I should like to ask the chairman of the committee if the item for a traveling crane, not to exceed $300,000 in cost, is new?

Mr. PADGETT. That is new. That is the one I am talking about; a 150-ton crane to cost not to exceed $300,000, toward the construction of which an appropriation of $100,000 is now made. That is a new crane, but it is to be a part of the machinery, an enlargement of the machinery of the yard.

Mr. MOORE of Pennsylvania. Mr. Chairman, this item providing for a new traveling crane at the Norfolk Navy Yard not to exceed in cost $300,000 is a very large item in comparison with the population, and so forth, at Norfolk, and it is clearly subject to a point of order. Mr. Chairman, I have been inveighed against, in terms not altogether gentle, by the ferocious gentleman from Missouri [Mr. SHACKLEFORD], who speaks in defense of a good-roads system of which he is the special Sir Knight and champion. I have also been condemned to a slight degree by the gentleman from Mississippi [Mr. SISSON] for exercising my prerogatives here as a Representative, in pointing out certain pitfalls into which the Democratic Party as at present constituted will fall if it does not provide means for keeping

up the revenue system of the country while it puts its hands into the Treasury and takes out everything and provides ways and means to take out more. In view of these attacks which have been made upon me by these gentlemen, I do not intend to insist upon the point of order against this paragraph which is for the benefit of the navy yard at the city of Norfolk, especially since the point of order against the Philadelphia Navy Yard came from the gentlemen from Virginia. The best evidence in the world that I can present that there is no malice, slander, or viciousness in my heart, as indicated by the gentleman from Missouri [Mr. SHACKLEFORD], and as evidence that I wish well to the State of Virginia, which has opposed the State of Pennsylvania in this instance, and that I do not wish ill to any section, I will not insist on the point of order to the item which gives to Norfolk the $300,000 for a traveling crane. If the Norfolk yard wants the crane it ought to have it; and Philadelphia can stand the loss.

Mr. MANN. I make the point of order against the paragraph for the Norfolk Navy Yard. I am inclined to think that the item for a 150-ton crane is subject to a point of order, but am not quite sure; the limitation of cost is clearly legislation, and hence subjects the paragraph to a point of order.

The CHAIRMAN. The Chair does not quite understand the gentleman.

Mr. MANN. The paragraph from line 11 down to line 20, on page 25, is subject to a point of order. I make the point of order against the paragraph because it is legislation. The limitation of cost upon the crane is legislation.

Mr. PADGETT. I do not think that makes it subject to a point of order.

Mr. MANN. It is clearly legislation.

Mr. PADGETT. It is a description and limitation of cost.

Mr. MANN. A limitation of cost has always been considered as legislation. I think the crane itself is subject to a point of order.

The CHAIRMAN. The language "limit of cost not to exceed $300,000" is the language to which the gentleman makes the point of order?

Mr. MANN. I call attention to that, but I make the point of order to the paragraph.

The CHAIRMAN. The point of order against the paragraph would hardly lie.

Mr. MANN. It will lie if any part of the paragraph is subject to a point of order.

The CHAIRMAN. The Chair is inclined to think that the language limiting the cost is subject to a point of order.

Mr. MANN. That makes the whole paragraph subject to a point of order.

The CHAIRMAN. The point of order is sustained.

Mr. PADGETT. Mr. Chairman, I offer an amendment to the bill to reinsert the language embraced in line 11 to line 20, excluding the words "the limit of cost not exceeding" and the figures "$100,000," so that it will read a "150-ton crane, $300,000."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend by inserting the following as a new paragraph:
"Navy yard Norfolk, Va.: Railroad tracks, extensions, $10,000; repairs, buildings, St. Helena, $25,000; improvements to water front, to continue, $50,000; paving and grading, to continue, $10,000; heating system, extension, $5,000; 150-ton crane, $300,000; dredging, to continue, $40,000; water system, extensions, $7,500; sewer system, extension, $5,000; lavatories and toilet facilities, $5,000; compressed-air system, extensions, $5,000; in all, navy yard, Norfolk, Va., $462,500."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee.

The question was taken; and on a division (demanded by Mr. MANN) there were 57 ayes and 26 noes.

So the amendment was agreed to.

The Clerk read as follows:

Navy yard, Charleston, S. C.: Paving and grading, to continue, $1,000; locomotive and crane shed, $5,000; remodeling dispensary, building No. 19, $3,000; torpedo boat berths (to cost not exceeding $300,000), $150,000; in all, $159,000.

Mr. BATHRICK. Mr. Chairman, I make a point of order against the paragraph on the ground that the language in line 24, "to cost not exceeding $300,000," is legislation.

Mr. PADGETT. I want to say to the gentleman that these slips are old and worn out and it is necessary to have new slips.

Mr. BATHRICK. The gentleman can offer an amendment, and I desire to debate the amendment.

Mr. PADGETT. This really ought to be in; the slips are very much needed.

Mr. BATHRICK. I will reserve the point of order.

Mr. PADGETT. Will not the gentleman withdraw the point of order and let us debate the merits of the proposition?

Mr. BATHRICK. Mr. Chairman, I will withdraw the point of order.

Mr. COX. I renew the point of order in the interest of time. I am going to make the point of order on the paragraph.

The CHAIRMAN. The point of order is sustained.

Mr. ROBERTS of Massachusetts. Does the gentleman from Tennessee, chairman of the committee, intend to offer an amendment? If not, I have one prepared.

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

The Clerk read as follows:

Amend, page 25, by inserting in lieu of the paragraph stricken out the following:
"Navy yard, Charleston, S. C.: Paving and grading, to continue, $1,000; locomotive and crane shed, $5,000; remodeling dispensary, building No. 19, $3,000; toward torpedo boat berths, $150,000; in all, $159,000."

Mr. BATHRICK. Mr. Chairman, I want to inform the House that I make this point of order for the purpose of attempting to prevent useless and unnecessary expenditure. I do not believe in that kind of economy which pulls down the shutters and locks the door and quits business. On the other hand, I believe that all the gentlemen in the House should join in excluding from this appropriation bill those items that are not necessary.

They have 10 piers in Charleston Harbor now that cost $100,000. This item was put into the bill last year and taken out in conference. That was the condition of it then. It reappears in this bill. What is the necessity that they claim for this $300,000 appropriation, with which they expect to build cement piers? They claim that the current of the stream where they anchor the torpedo boats is so swift that they can not handle the torpedo boats to good advantage without possibility of damage to them or to the piers, but on the same page the hearings state that there are 12 tugs, and those tugs are manned and fully equipped. Why do they not use the tugs to handle the boats instead of asking us for $300,000? In all the harbors of the United States there is hardly one where vessels without assistance can reach their moorings; but we have these tugs, we are maintaining them, and we are maintaining the men upon them, and still they want us to expend $300,000 so that the torpedo boats can float safely alongside the piers. Another objection I desire to call to the attention of the House is this: The harbor at Charleston is frequently referred to as lashed by storms. That being the case, what kind of a harbor is it? People who have been to Charleston know they do have very severe storms in that harbor. There are many other places upon the Atlantic coast where they can keep these torpedo boats without expending $300,000, and I maintain it is not necessary for them to expend it.

Mr. PADGETT. Mr. Chairman, I simply want to state that the Navy Department has made the Charleston yard the torpedo-boat base of the whole torpedo-boat flotilla, because it is free from ice and it is well adapted to the purpose. The gentleman speaks about having so many tugs. That is in the whole Navy Department. They are not at Charleston, I understand.

Mr. BATHRICK. Mr. Chairman, will the gentleman yield?

Mr. PADGETT. Yes.

Mr. BATHRICK. Let us read what the hearings say. I read from page 162. Admiral Stanford, when before the committee, said:

Under the existing conditions it is practically impossible to avoid damage to both the piers and boats. There are frequently at these piers 5 effective destroyers and 15 torpedo boats, of a total value exceeding $5,000,000, to which may be added 9 boats of less military value but which would bring the total to more than $6,000,000. If to this be added 12 tugs, colliers, and other vessels stationed at Charleston—

What does that mean?

Mr. PADGETT. It means tugs and colliers and other vessels.

Mr. BATHRICK. They have 12 tugs.

Mr. PADGETT. No; it means that there are 12 vessels, composed of tugs, colliers, and other vessels.

Mr. BATHRICK. Then let that be the construction placed upon it. I want to say that if there are not 12 tugs they have enough tugs to operate these vessels.

Mr. COX. Is not this the same place where they built piers a few years ago?

Mr. BATHRICK. I do not know how long ago they were built, but it is not so very long ago since we expended $100,000 there for piers.

Mr. COX. And they failed because of some neglect or something of that kind?

Mr. PADGETT. They were piers that were located there. They were not properly located. They were wooden piers. They have been destroyed.

Mr. COX. How long ago were they constructed?

Mr. PADGETT. Ten years.

Mr. COX. That is not very long ago. They are surely not destroyed.

Mr. PADGETT. The teredos have eaten them up.

Mr. COX. It strikes me that if the Navy Department had exercised proper judgment and skill and built the right kind of piers in the first instance there would be no necessity for this.

Mr. BATHRICK. I do not think there is any necessity now for them. I want to say one thing more. If I understand it, that item in the paragraph did not pass the subcommittee, which is the appropriation committee of the Naval Affairs Committee, by unanimous vote.

When it came into the full committee I offered an amendment to strike out this $150,000 of this $300,000 expenditure, but it passed by a majority of only 1 in the full committee.

Mr. MANN. Mr. Chairman, I do not like to call the gentleman to order——

Mr. BATHRICK. I accept the call to order, but that is the fact.

Mr. MANN (continuing). But I think we ought not to get into the practice of reciting in the House the vote in the committee.

The CHAIRMAN. The Chair will call the attention of the gentleman to the fact that under the rules a Member is not permitted to state what transpired in a committee.

Mr. HOBSON. Mr. Chairman, I want to be heard on the merits of the case.

Mr. PADGETT. Mr. Chairman, I say debate is closed on this matter and I demand a vote.

Mr. HOBSON. Mr. Chairman, I desire to be heard.

The CHAIRMAN. The gentleman from Tennessee, chairman of the committee——

Mr. HOBSON. I am in favor of this amendment. If I were opposed to the amendment the Chair would hear me.

The CHAIRMAN. The question is on the amendment——

Mr. HOBSON. Mr. Chairman, I desire to be heard. I move to strike out the last word. I ask to be recognized. The chairman of the committee has nothing to say——

Mr. PADGETT. I move to close all debate on the amendment; we must make some progress on this bill.

The CHAIRMAN. The gentleman from Tennessee moves to close all debate on the amendment.

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

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

The question was taken; and on a division (demanded by Mr. BATHRICK) there were—ayes 52, noes 37.

Mr. BATHRICK. Tellers, Mr. Chairman.

The CHAIRMAN. Those in favor of taking this vote by tellers will rise and stand until counted. [After counting.] Seventeen gentlemen have risen, not a sufficient number.

So the amendment was adopted.

The Clerk read as follows:

Navy yard, Mare Island, Cal.: Grading and paving, $10,000; railway system, extensions, $5,000; salt-water flushing and fire-protection system, $25,000; reconstructing quay wall, $20,000; modernizing electric-power and light-distributing systems, $20,000; in all, $80,000.

Mr. HOBSON. Mr. Chairman, I move to strike out the last word. I desire my position on the last paragraph to be understood. I am against the building of these new piers at that station until it is settled what we propose to do permanently with that station. We have already made large expenditures at Port Royal and have abandoned that station.

Mr. PADGETT. No; we are using it.

Mr. HOBSON. Abandoned it for the purpose for which it was intended.

Mr. PADGETT. And using it for a far better one.

Mr. HOBSON. I yield to the gentleman to state what we use the dock at Port Royal for. We have established a marine-instruction school ashore, but that has nothing to do with the expenditure of millions of dollars for a naval station there that has proved impossible, and a big dry dock. The hearings and statements show that currents run across there in front of this station, making it difficult, if not dangerous, for torpedo boats to come in and go up to their berthings, and I think it is a very questionable matter whether this shall be developed into a permanent torpedo-boat station. I believe some other site will be chosen, and, in my judgment, Pensacola will be the ideal station. The point I make is, we ought not to launch out upon a new construction that requires large expenditures until we settle definitely upon a policy for these stations and these navy yards. I may remark, in closing, that I am in hopes before very long we shall have an instrumentality or agency under which this whole question of policy of coaling stations and the policy of naval stations and navy yards and all other important policies of the department may be determined.

Mr. GREGG of Texas. I am glad the gentleman is converted at the eleventh hour; that is what we have been fighting for all day.

Mr. HOBSON. If the gentleman will use his memory, he will remember I have always been opposed to this proposition. Whenever there is proposed any meritorious measure that would actively bear upon the efficiency of the service and be a real economy, I think the gentleman would find me supporting it.

Mr. GREGG of Texas. But the gentleman always reserves the right to be the judge of what is meritorious and what is not, does he not?

Mr. HOBSON. Like the gentleman from Texas.

Mr. PAYNE. Mr. Chairman, I understood the gentleman from Alabama was explaining why he voted for this last amendment. I think perhaps I ought to explain to the committee why I failed to vote upon the subject. We have for a great many years been providing at Charleston Navy Yard money which might have as well been put upon some creek of South Carolina to dredge out a channel to take a ship into it, and when I looked over upon the other side and saw the two economists from Mississippi sitting there dumb and mute and not raising their voices in protest against this item, and I saw the other economist from Texas rise and vote for it, I was so mixed up on the question I could not make up my mind how or where to vote.

If I had voted I should have voted against the navy yard in Charleston because of my previous information on the subject. But because of lack of information from the three economists of the House upon this subject I did not vote at all. I think that is due to the committee in view of the fact that the gentleman from Alabama [Mr. HOBSON] saw fit, as a member of the committee, to take up so much time to explain his vote upon the last amendment.

Mr. BATHRICK. A parliamentary inquiry, Mr. Chairman.

Mr. SISSON. I will say that "the gentleman from Mississippi" voted against the item.

Mr. PADGETT. I make the point of order that there is nothing before the House, and will ask the Clerk to read.

The CHAIRMAN. The point of order is sustained, and the Clerk will read.

The Clerk read as follows:

Navy yard, Puget Sound, Wash.: Ship fitters' shop, mold loft, and structural steel storage (to cost not exceeding $275,000), $120,000; power-plant extensions, $50,000; Pier No. 8, to extend, $10,000; paving and walks, $10,000; linseed-oil storage tanks, $4,000; sewer system, extensions, $30,000; telephone system, extensions and renewals, $2,000; heating system, extensions and renewals, $10,000; rebuilding Pier No. 1, $10,000; in all, navy yard, Puget Sound, Wash., $246,000.

Mr. FOWLER. Mr. Chairman, I reserve a point of order against the paragraph. I desire to ask the chairman of the committee the reason for this structural-steel storage plant?

Mr. HUMPHREY of Washington. If the gentleman will permit, I will be glad to give him some information on the question.

Mr. FOWLER. Yes; I will yield for a moment.

Mr. HUMPHREY of Washington. I want to furnish, if I can, the information which the gentleman asks. I am reading from the hearings. The chairman of the committee said:

The next item is "Ship fitters' shop, mold loft, and structural-steel storage, to cost $275,000, $120,000." Please explain that item, Admiral?

Admiral Stanford replied:

That is a new building which is desired to permit of the consolidation and concentration of tools, shops, and materials. It is desired not only for the purpose of effecting consolidation, but to provide increased shop facilities.

Mr. FOWLER. Where are the tools stored now?

Mr. HUMPHREY of Washington. Wait until I finish the reading.

Mr. FOWLER. I will be glad to take it as we go along. I do not care to hear all the reading.

Mr. HUMPHREY of Washington. There are only two lines more.

Mr. FOWLER. All right.

Mr. HUMPHREY of Washington. This is the line to which I want to call the gentleman's attention:

It is represented that the consolidation will not only very greatly increase the usefulness of the yard but also reduce the cost of shop operation.

Mr. FOWLER. Where are the tools stored now?

Mr. HUMPHREY of Washington. They are stored in smaller buildings there, I presume.

Mr. FOWLER. Do you speak from actual knowledge, or do you speak as a matter of imagination?

Mr. HUMPHREY of Washington. Unlike the gentleman, I am speaking from the record and not from imagination. I am simply quoting from the statement made by the admiral, who is supposed to know.

Mr. FOWLER. Have you ever been at that yard?

Mr. HUMPHREY of Washington. A great many times.

Mr. FOWLER. And do you know of your own personal knowledge where they store these tools?

Mr. HUMPHREY of Washington. I know of my own personal knowledge that they put the tools in buildings now in the yard.

Mr. FOWLER. What will be done with these buildings if new ones are erected?

Mr. HUMPHREY of Washington. Will the gentleman permit me again to quote the authority?

Mr. FOWLER. If it is directly on the use of these storage buildings, I have no objection.

Mr. HUMPHREY of Washington. It is directly upon that subject. It says:

This building would be used for shop purposes to increase their facilities.

In other words, this building proposes to incorporate the buildings now used for that purpose and increase facilities so as to increase economy of operation as well as to give them room in the extension of the yard.

Mr. FOWLER. Have you not any shops over there?

Mr. HUMPHREY of Washington. A great many of them.

Mr. FOWLER. Do you need any additional shops?

Mr. HUMPHREY of Washington. Why, surely. If there is anywhere in any yard of the United States where shops are needed, I know that every member of the Naval Committee will agree that that is the one place. There is no objection.

Mr. PADGETT. This is a new yard, in the course of construction.

Mr. HUMPHREY of Washington. It is the only yard on the Pacific Ocean where they can dock battleships, and no one has ever talked about abandoning this yard, and everybody agreed it ought to be increased, as this adds to the facilities.

Mr. FOWLER. Is it not a fact that you want this appropriation for the purpose of giving additional work over on the Pacific coast?

Mr. HUMPHREY of Washington. Not at all. I never have asked for that, and I would be ashamed to stand up before this committee, or anywhere else, and ask for an appropriation on such a theory.

Mr. FOWLER. You are quite a gentleman, and I must confess it on the floor of this House.

Mr. HUMPHREY of Washington. You never heard me ask for an appropriation of that kind, and you never will.

Mr. FOWLER. But it appears to me from what has been said that there is no great reason for the construction of such an elaborate storehouse for tools.

Mr. DYER. Has the gentleman read the hearings?

Mr. FOWLER. Only in so much as I have been able to glance over them during the debate on this bill. It came in one night, and the next morning it was dressed in a garb for hearing.

Mr. SIMS. If the gentleman will permit me, I wish to say that it was only said that it was represented to be needed. It was not claimed that it would really be needed.

Mr. FOWLER. Yes; I understand. The gentleman from Tennessee [Mr. SIMS] called my attention to the representation to the effect that the hearings purported to impart that information to the House. As a matter of fact, does not the gentleman really think that such an expensive building is useless for the mere storage of tools?

Mr. HUMPHREY of Washington. I think it would be a very great advantage to have it, for the reasons set forth, for purposes of economy and the supplying of needed room, and for the further purpose which they are trying to demonstrate there—the economy of consolidation. That is the one yard in the country where they are consolidating these buildings.

Mr. FOWLER. That is a deep-water yard, is it?

Mr. HUMPHREY of Washington. It is.

Mr. FOWLER. What is the depth of that water?

Mr. BUTLER. Sixty feet.

Mr. CALDER. One hundred feet in some places.

Mr. FOWLER. Mr. Chairman, I do not want to make the point of order unless it is necessary, but it appears to me that a point of order ought to be made against this paragraph, and therefore I now make it, not for the purpose of punishing any gentleman on the floor of this House, but in the interest of economy.

Mr. DYER. Regular order, Mr. Chairman.

The CHAIRMAN. The point of order is sustained.

Mr. PADGETT. Mr. Chairman, I offer the following amendment for navy yard, Puget Sound.

Mr. FOWLER. Mr. Chairman, I did not understand whether the Chair has sustained the point of order or not.

The CHAIRMAN. He has.

Mr. PADGETT. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Tennessee [Mr. PADGETT].

The Clerk read as follows:

On page 20, after line 5, insert the following:

"Navy yard, Puget Sound, Wash.: Ship fitters' shop, mold loft, and structural steel storage, $120,000; power-plant extensions, $50,000; Pier No. 8, to extend, $10,000; paving and walks, $10,000; linseed-oil storage tanks, $4,000; sewer system, extensions, $30,000; telephone system, extensions and renewals, $2,000; heating system, extensions and renewals, $10,000; rebuilding Pier No. 1, $10,000; in all, navy yard, Puget Sound, Wash., $246,000."

Mr. DYER. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Missouri [Mr. DYER] moves to strike out the last word.

Mr. DYER. I would like to ask the chairman of the committee a question. Is it not preferable that the limit of cost for these buildings should be fixed?

Mr. PADGETT. Very much so.

Mr. DYER. Is there any possible way that the Government can be benefited by striking out the limit of cost?

Mr. PADGETT. None that I know of.

Mr. DYER. And there is a possibility of its costing a great deal more if we do not limit it and fix the limit?

Mr. PADGETT. I think not. I think it will be properly taken care of.

Mr. SISSON. Mr. Chairman, I would like to ask one more question. I did not make the point of order, but I stated to the committee that I thought $275,000 was a considerable price to pay for a tool house.

Mr. PADGETT. This is not alone for a tool house, but for a combination of shops.

Mr. SISSON. I suppose the only information that the gentleman from Tennessee has is the information contained in the hearings? Is it?

Mr. PADGETT. Yes.

Mr. SISSON. The information in the hearings is very meager. I do not know but that $275,000 is necessary; but with this meager information contained in the hearings, it is quite possible that this item might go over till the next session of Congress, until we can get further information about it. You are building a new building there, and the committee has no information about the matter except what is given in the hearings. I have read that, and that gives no definite information about the necessity of this building except for the storage of tools.

Mr. PADGETT. Yes; it states the general purposes and the necessity for the consolidation of the work and the machine shops. It states that it is a consolidation work.

Mr. SISSON. I think the gentleman overstates what is stated in the hearings. That may be the purpose of it, but I do not recollect the hearings just in that way. Now, if the cost is limited to $120,000, I have no objection to the item going in.

Mr. PADGETT. It is to increase the shop facilities, and all of that.

Mr. SISSON. I understand. I comprehend the language that the gentleman read. I have read that myself.

Mr. ROBERTS of Massachusetts. Mr. Chairman, will the gentleman from Mississippi [Mr. SISSON] yield?

Mr. SISSON. Now, that language does not cover the item that the gentleman referred to a moment ago, as I take it. It does not seem to be a workshop.

Mr. PADGETT. Yes; it is intended for an enlarged workshop, to increase the facilities for work at the yard.

Mr CALDER. The ship fitters' shop is the principal shop in a navy yard. It manufactures most of the things that go into the ships.

Mr. SISSON. That may be absolutely true, but I am trying to get the information whether $275,000 would not be too much, and, if the appropriation is made, whether that will be the limit of the cost of the shop or not.

Mr. ROBERTS of Massachusetts. Does the gentleman yield for a question?

Mr. SISSON. I do.

Mr. ROBERTS of Massachusetts. I wish to ask the gentleman whether he knows what the ship fitters' shop is?

Mr. SISSON. I do not.

Mr. ROBERTS of Massachusetts. The ship fitters' shop is a great big machine shop filled with planers and drills and all sorts of machines for working iron, steel, and other metal. As the gentleman from New York has said, it is one of the principal machine shops in every navy yard.

Mr. SISSON. I am glad to get that information.

Mr. ROBERTS of Massachusetts. Now, with regard to the limitation that the committee placed on the cost of this build-

ing, if the gentleman will look back through other years he will find that the committee have been authorizing similar shops in other yards at a cost, in some instances, as high as $350,000. In this particular case not only will this building be a great big machine shop, but it will be a storage building. The upper part of it will probably be utilized for storage.

Mr. SISSON. I want to state to the gentleman that I had a conversation a moment ago with a member of the Naval Committee, who stated that he himself was not very well satisfied with the showing that was made in the hearing, and it was upon that information that I made the inquiry. Frankly, I do not know whether $275,000 is enough. It may be entirely too small an amount. I want the navy yard to have whatever is necessary, and if it is necessary to have this amount of money, I do not object to it.

Mr. ROBERTS of Massachusetts. Mr. Chairman, in the present form of the proposition there is no limit of cost on this building. The point of order made by the gentleman from Illinois struck out the limitation of cost, and the subsequent motion of the chairman of the committee will, if adopted, provide for a building without any limit of cost on it.

Mr. SISSON. Then, I think a proviso should be put in there.

Mr. ROBERTS of Massachusetts. That has been done in several instances, and this desperate effort on the part of Democrats to economize results in striking out the provisions that would insure economy.

Mr. SISSON. I will state to the gentleman that I will not do that. I want to offer this amendment, to insert the words—

Provided, That the ship fitters' shop, mold loft, and structural-steel storage plant shall not exceed in cost $275,000.

Mr. CALDER. Make it $250,000.

Mr. SISSON. I put it at $275,000, the amount that was asked for. I want that proviso at the end of line 14.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 26, amend the amendment by adding at the end thereof the following:

"*Provided*, That the ship fitters' shop, mold loft, and structural-steel storage plant shall not exceed in cost the sum of $275,000."

Mr. ROBERTS of Massachusetts. Mr. Chairman, I reserve a point of order.

Mr. FOWLER. Mr. Chairman, I reserve a point of order against the amendment.

Mr. ROBERTS of Massachusetts. Regular order, Mr. Chairman.

Mr. SISSON. Now, Mr. Chairman, if I may, I want to state my reasons for this.

Mr. ROBERTS of Massachusetts. Regular order, Mr. Chairman.

Mr. SISSON. I simply desire to state to the Chair that it is a limitation upon the appropriation.

Mr. ROBERTS of Massachusetts. If I understand correctly, when the regular order is demanded a point of order reserved must either be made or withdrawn.

The CHAIRMAN. Does the gentleman from Illinois make the point of order?

Mr. SISSON. Mr. Chairman, I would like to be heard.

Mr. FOWLER. Mr. Chairman, I have reserved the point of order.

Mr. ROBERTS of Massachusetts. I call for the regular order.

Mr. FOWLER. Well, Mr. Chairman, I make the point of order.

The CHAIRMAN. The point of order is overruled. The question is on the amendment offered by the gentleman from Mississippi to the amendment.

The amendment to the amendment was agreed to.

The CHAIRMAN. The question now is on agreeing to the amendment as amended.

The amendment as amended was agreed to.

Mr. AYRES. Mr. Chairman, I offer the following amendment, to be inserted in the bill as a new paragraph.

The Clerk read as follows.

Insert as a new paragraph the following:

"That the Secretary of the Navy shall appoint a commission, to serve without pay other than actual expenses incurred, to consist of three persons, one of whom shall be appointed from the line officers and one from the staff officers of the Navy and one from civil life, which commission shall consider and report to the next regular session of Congress upon the question whether it is advisable to sell any of the navy yards, and if so, which; and, as to each of said yards said commission shall report as to its cost, its area, its present value, including in separate items the value of the land, structures, machinery, and other personal property; the depth of water at the yard, and whether it remains and will remain at such depth or will require expense to keep open its water communication; its condition as to being in working order or otherwise; the condition and value of its 'plant' in the different departments; its advantages and disadvantages as a naval station, and for the construction of vessels; its probable value for other purposes in case the yard is discontinued; whether there is any demand for the yard for mercantile or other purposes; whether it can probably be sold, and at what price, in case of discontinuance; the annual cost during each of the past 15 years of maintaining it; the value of what it has produced during each of said years, so far as it can be ascertained; its value or necessity for purposes of defense on that part of the coast where it is situated or in general, and also as regards any city in its vicinity; and any other facts which such commission may deem useful or advisable to report in regard to this question."

Mr. SAUNDERS. Mr. Chairman, I reserve a point of order upon that. I will make the point of order.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

Naval station, Guantanamo, Cuba: Recreation building for enlisted men, $30,000.

Mr. TRIBBLE. Mr. Chairman, I make the point of order to the paragraph, or I will move to strike it out.

Mr. COX. Mr. Chairman, I make a point of order.

Mr. PADGETT. Will the gentleman reserve the point of order?

Mr. COX. No; I think we must be getting along on this bill.

Mr. PADGETT. On what ground does the gentleman make the point of order?

Mr. COX. There is no law to support the appropriation, no organic law.

Mr. PADGETT. There is a station there, and we have 16,000 men there, and this building is to take care of them. There is no place to take care of these men.

Mr. COX. The language of the bill is that it is for a recreation building.

Mr. PADGETT. That is what it is.

Mr. COX. Is there any law that authorizes it, any law upon which to hang the appropriation?

Mr. PADGETT. There is a law establishing the station, and that carries with it the right of Congress to appropriate for whatever buildings are necessary.

Mr. COX. It might be necessary to have buildings to sustain life and health.

Mr. PADGETT. This is for the health of the men. The officers there have a building already, but the men have none.

Mr. COX. Perhaps the officers ought not to have had a recreation building at public expense. I make a point of order on it.

Mr. PADGETT. Mr. Chairman, I do not think it is subject to a point of order.

Mr. DYER. It is a work in progress.

Mr. COX. It is not a work in progress.

Mr. HOBSON. Mr. Chairman, in a tropical country or a subtropical country, like Cuba or the Philippines, it is recognized as one of the necessities for the health to have such a building as this would be. This is as much of a necessity down there as any shop or other building would be in a navy yard or a naval station in a higher latitude. If anyone has ever stayed there in a rainy season and seen the constant rains and the depression of it all, they would recognize that it is absolutely essential for the health of the men that they should have this opportunity and convenience.

Mr. BATES. Will the gentleman yield for me to read what Admiral Stanford said upon this matter?

Mr. HOBSON. I should be glad to have the gentleman do it.

Mr. BATES. I will read:

Admiral STANFORD. As Guantanamo will probably be the permanent base of the Atlantic Fleet during the winter months, steps should be taken to equip the station with facilities for the entertainment and amusement of the enlisted men.

A building has already been provided for the use of commissioned officers and the erection of a building for warrant officers has been authorized. There is, however, nothing provided for the enlisted men except a small Young Men's Christian Association building on Deer Point, which is inadequate both in size and equipment. To the end that this deficiency may be corrected, the commander in chief recommends an appropriation of $30,000 for the purpose of erecting a suitable recreation building, such building to accommodate a large recreation hall, reading and writing rooms, billiard rooms, bowling alleys, etc. The construction need not be of an elaborate design, and it is thought that for the modest sum mentioned a most suitable building can be constructed; and the equipment can be supplied from the profits of the canteen.

Mr. Chairman, I think in the interest of the enlisted men that this ought not to be objected to.

Mr. HOBSON. Mr. Chairman, at nearly every military station you will find a post exchange. This is the counterpart of a post exchange, and no point of order would lie against an appropriation for a post exchange.

The CHAIRMAN. The Chair is prepared to rule.

Mr. BATES. Mr. Chairman, will the Chair permit me to read two or three lines further as to the character of the building proposed?—

Wood frame, covered with galvanized corrugated iron, with showers, toilet facilities, and lighting. No heat will be required.

The CHAIRMAN. How many men are there?

Admiral STANFORD. Probably 30 or 40 vessels, averaging 750 men each.

There are about 16,000 enlisted men.

Mr. TRIBBLE. Is it not a fact that they have shifted that station once since it was located there, and that they now propose to move it to a different place?

Mr. BATES. I think not.

Mr. PADGETT. Not at all.

Mr. TRIBBLE. Was not that in the hearings?

Mr. BATES. This is a part of the Naval Establishment.

Mr. TRIBBLE. Is it not a fact that on account of that shift there is no appropriation made for this station, and that this committee intends to start from here next week to see whether or not there ought to be a station at Guantanamo?

Mr. PADGETT. There is one there.

The CHAIRMAN. The Chair is of opinion that the paragraph is obnoxious to Rule XXI, paragraph 2, as new legislation, and calls attention to paragraph 3755 of Hinds' Precedents, volume 4, as a case in point:

The construction of barracks at a navy yard was held not to be the continuation of a public work or object. On May 17, 1902, while the naval appropriation bill was under consideration in Committee of the Whole House on the state of the Union, the paragraph was read making appropriation for various improvements and repairs at the navy yard, New York.

Thereupon Mr. JOHN J. FITZGERALD, of New York, offered the following amendment:

"On page 28, line 15, after the word 'dollars,' insert 'barracks for enlisted men to cost $500,000, $200,000.'"

Mr. GEORGE E. FOSS, of Illinois, made a point of order.

After debate the Chairman held:

"The rule invoked in this instance by the chairman of the committee is one which has not at all times and by all Chairmen been similarly interpreted. In the opinion of the present occupant of the chair a rather large hole was driven through the rule in order to permit the construction of battleships without special authorization; but it seems to the Chair that the entering upon the construction of barracks in the way suggested by this amendment is the entering upon a new line of work. It is not a necessary adjunct to the New York Navy Yard. It is not, in the opinion of the Chair, under a strict interpretation of the rule, a proper amendment. It is, in the opinion of the Chair, under a fair construction of the rule, obnoxious to it. The statute expressly provides, in reference to barracks for the Army, that they can not be constructed except after specific estimates therefor shall come to the House, and then only by a special act providing for them. Now, while that does not apply to the Navy, it seems to the Chair that in interpreting the rule it is fair to consider that provision. As the Chair intimated, the decisions have not been identical; but the notion of the Chair is borne out by ample precedents that this amendment is not in order, and the Chair therefore sustains the point of order."

The Chair thinks that case cited is in point, and sustains the point of order.

The Clerk read as follows:

Naval station, Pearl Harbor, Hawaii: Water-front development, $100,000; water system, $30,000; power distribution, mains and conduits, $65,000; railroad equipment, $30,000; boat landings, $5,000; two officers' quarters, $24,000; torpedo-boat slips, $50,000; ice plant and refrigerating system, $25,000; one dry-dock crane, $100,000; marine railway, $100,000; naval hospital, to continue, $100,000; in all, $629,000.

Mr. TRIBBLE. Mr. Chairman, I make the point of order against the words "two officers' quarters, $24,000."

Mr. ROBERTS of Massachusetts. Mr. Chairman, I do not think the point of order in this case will lie, because the organic act creating this naval station made provision and allowance for all the different classes of buildings that would be necessary for a fully equipped station, and all these other items come under that provision.

Mr. BATHRICK. Mr. Chairman, will the gentleman yield?

Mr. ROBERTS of Massachusetts. Yes.

Mr. BATHRICK. I desire to ask the gentleman if he does not think it a little strange that a point of order will lie against a building for enlisted men to cost $30,000 and will not lie against one for officers to cost $24,000?

Mr. ROBERTS of Massachusetts. It depends entirely upon the authorization.

Mr. TRIBBLE. Mr. Chairman, I will refer the Chair to volume 4 of Hinds' Precedents, section 3758:

An appropriation for officers' quarters at a navy yard is not in order on the naval appropriation bill as in continuance of a public work.

Mr. BATES. Mr. Chairman, may I read the organic law, which I had the honor to present in this House?

Pearl Harbor, Hawaii: The Secretary of the Navy is hereby authorized and directed to establish a naval station at Pearl Harbor, Hawaii, on the site heretofore acquired for that purpose, and to erect thereat all the necessary machine shops, storehouses, coal sheds, and other necessary buildings, and to build thereat one graving dry dock capable of receiving the largest vessels of the Navy, etc.

Now, I believe, Mr. Chairman, that a fully equipped naval station such as this act of Congress contemplated—and this was purely a piece of legislation, which included the words "with all necessary buildings"—would certainly include officers' quarters, because a naval station of the size contemplated for Pearl Harbor would be certainly incomplete without sufficient quarters for the officers who would be in charge of that station, and therefore it would clearly come under the express words "and other necessary buildings." It is the act of May 3, 1908, found on page 599 of the Navy Yearbook.

The CHAIRMAN. The Chair is of the opinion that the point of order made by the gentleman from Georgia is not well taken, in view of the statute establishing the naval station.

Mr. TRIBBLE. I move to strike out, on page 26, lines 20 and 21, the words and figures "water-front development, $100,000."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 26, lines 20 and 21, strike out the words and figures "water-front development, $100,000."

Mr. ROBERTS of Massachusetts. If the gentleman will yield, I would like to ask him a question. Does the gentleman from Georgia [Mr. TRIBBLE] think he could see any more in a navy yard or understand its operations any better if he went there in his official capacity rather than as a plain individual?

Mr. TRIBBLE. If I went there in an official capacity I would make an inspection. I would consult the officers and men in charge of the navy yard, and they would show me the courtesy of explaining the navy yard to me.

Mr. ROBERTS of Massachusetts. Let me say to the gentleman that if he will go to any navy yard of this country and tell them that he is a member of the Committee on Naval Affairs he will see as much of it as if he had gone there with every other member of the Naval Committee, and just as much courtesy will be shown him. What I asked the gentleman was, if he thought he could see any more in a navy yard or understand its operation any better if he went there in his official capacity than as a plain individual?

Mr. TRIBBLE. In what kind of an attitude does the gentleman think I would be if I went down to the Norfolk Navy Yard or to the Boston Navy Yard and said that I was a member of the Naval Committee and came there to inspect the yard?

Mr. ROBERTS of Massachusetts. If the gentleman really wanted information they would give it to him at first hand, and they would welcome him and show him courtesy in every yard he entered.

Mr. GARNER. Mr. Chairman, a parliamentary inquiry. What is before the House?

Mr. PADGETT. Mr. Chairman, I move that all debate on this paragraph and all amendments be now closed.

The motion was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia [Mr. TRIBBLE].

The question was taken, and the amendment was rejected.

Mr. ROBERTS of Massachusetts. Mr. Chairman, I ask unanimous consent to return to line 18, page 26, for the purpose of correcting a misspelled word to which my attention has just been called. In the copy of the bill before me, which I understand is a copy that all Members have, the word "pontoons" is spelled with only one "o" in the second syllable. There should be an "o" added.

The CHAIRMAN. Without objection, the correction will be made.

There was no objection.

Mr. TRIBBLE. I move to strike out, on page 27, line 2, "marine railway, $100,000." As the chairman has cut off debate, I would like him to state what a marine railway is. I do not think the Members of this House know.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 27, line 2, strike out the words "marine railway, $100,000."

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

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Hereafter pilotage receipts at Pearl Harbor, Hawaii, may be applied by the Secretary of the Navy, so far as may be necessary, not exceeding $3,000 per year to payment of the salary of the harbormaster at said port.

Mr. TRIBBLE. Mr. Chairman, I make a point of order against that paragraph.

Mr. FOWLER. And I make a point of order against that paragraph.

Mr. PADGETT. It is good legislation, Mr. Chairman, but it is subject to a point of order.

Mr. TRIBBLE. Mr. Chairman, I think the statement of the gentleman is entirely unauthorized and out of order.

The CHAIRMAN. The Chair sustains the point of order. The Clerk will read.

The Clerk read as follows:

Buildings and grounds, Naval Academy: For the purchase of the necessary land for the location of the Naval Academy dairy, at some point in the vicinity of Annapolis, Md., convenient for communication and for the transportation of dairy products from the location of the

dairy to the Naval Academy, and for the transfer to new dairy site, and reerection thereon, of buildings belonging to the present dairy, the repair and alteration of such buildings as may be found on the land to be purchased, and for all other necessary purposes connected with the establishment of a dairy on such land, $100,000: *Provided*, That the cost of said land shall not exceed $75,000: *Provided further*, That the amount appropriated for this purpose shall be treated as an advance to the midshipmen's store fund at the Naval Academy, to be ultimately repaid to the United States.

Mr. TRIBBLE. Mr. Chairman, I make a point of order against that.

The CHAIRMAN. The gentleman must wait until the Clerk has finished reading the paragraph. It is not in order to make the point now. The Clerk will proceed.

The Clerk read the remainder of the paragraph, as follows:

And provided further, That expenditures hereunder shall be reported by the Chief of the Bureau of Supplies and Accounts to the Secretary of the Navy in the same manner as now prescribed by law for the midshipmen's store fund; wharf and approach (to cost not exceeding $125,000), $50,000; in all, $150,000.

Mr. FOWLER, Mr. TRIBBLE, and Mr. HENSLEY, respectively, made a point of order against the paragraph.

The CHAIRMAN. The gentleman from Illinois [Mr. FOWLER], the gentleman from Georgia [Mr. TRIBBLE], and the gentleman from Missouri [Mr. HENSLEY] make a point of order against the paragraph.

Mr. LINTHICUM. Mr. Chairman, I ask that the gentleman from Georgia [Mr. TRIBBLE] will reserve the point of order for a few minutes.

Mr. FOWLER. I make the point of order.

The CHAIRMAN. Will the gentleman from Georgia reserve the point of order?

Mr. TRIBBLE. No. I will not reserve it.

Mr. HENSLEY. I insist upon the point of order, Mr. Chairman.

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

Mr. TRIBBLE. I will reserve the point of order.

The CHAIRMAN. The regular order is demanded. The point of order is sustained.

Mr. LINTHICUM. Mr. Chairman, I understand the gentleman from Georgia [Mr. TRIBBLE] reserves his point of order.

The CHAIRMAN. The point of order is insisted upon.

Mr. TRIBBLE. I reserve the point of order, Mr. Chairman.

Mr. LINTHICUM. Mr. Chairman——

The CHAIRMAN. Three gentlemen have made the point of order.

Mr. PADGETT. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. PADGETT. Was the point of order made to the whole paragraph, or only down to the word "fund," on page 28, line 3?

The CHAIRMAN. The point of order was made against the paragraph.

Mr. PADGETT. Then, Mr. Chairman, I offer as an amendment a new paragraph.

Mr. LINTHICUM. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LINTHICUM. I should like to know who made the point of order.

The CHAIRMAN. The gentleman from Missouri [Mr. HENSLEY].

Mr. LINTHICUM. I will ask the gentleman from Missouri to reserve his point of order for a moment, until I can explain the item.

The CHAIRMAN. It is now too late.

Mr. TRIBBLE. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. TRIBBLE. The gentleman from Tennessee [Mr. PADGETT] now proposes to use the words "wharf and approach, not to exceed $125,000." He proposes to appropriate $50,000. Now, the gentleman from Tennessee undertakes to save this paragraph by using that language. The Chair will recall that I made the point of order before the Clerk read that part.

The CHAIRMAN. The gentleman from Tennessee [Mr. PADGETT] is recognized.

Mr. PADGETT. Mr. Chairman, I offer an amendment as a new paragraph: "Buildings and grounds, Naval Academy: Toward the construction of wharf and approach, $50,000." [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Tennessee [Mr. PADGETT].

The Clerk read as follows:

After line 9, page 27, insert the following: "Buildings and grounds, Naval Academy: Toward the construction of wharf and approach, $50,000."

Mr. ROBERTS of Massachusetts. Mr. Chairman, I offer an amendment to the amendment adding, after the words of the amendment, the following: "And the cost of the same shall not exceed $125,000."

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

The Clerk read as follows:

Amendment to the amendment: After the figures "$50,000" insert the following: "And the cost of the same shall not exceed $125,000."

Mr. FOWLER. Mr. Chairman, I reserve a point of order against the amendment to the amendment.

The CHAIRMAN. The gentleman from Illinois [Mr. FOWLER] reserves a point of order against the amendment to the amendment.

Mr. ROBERTS of Massachusetts. Now, Mr. Chairman, I made that amendment for a purpose. When the last preceding item of this kind was stricken out on a point of order, where the cost was limited, after the gentleman from Tennessee [Mr. PADGETT] offered an amendment the gentleman from Mississippi [Mr. SISSON] offered an amendment to the amendment limiting the cost. That was in relation to the ship fitters' shop at Puget Sound, at Bremerton, to which the gentleman raised a point of order, and the Chair then overruled the point of order.

Now, I thought if the Chair was going to overrule points of order against these limits of cost, we had better restore them as fast as they go out.

Mr. SISSON. Mr. Chairman, my amendment was not of the same character nor in the language of the gentleman's amendment at all.

Mr. ROBERTS of Massachusetts. It does not make any difference what the wording of it was. It was a limitation on the cost of the building. The gentleman will not deny that, will he?

Mr. SISSON. I was endeavoring to help out the gentleman and his Naval Committee when I offered that one; but I think his amendment is clearly subject to the point of order if the paragraph is subject to the point of order.

Mr. ROBERTS of Massachusetts. Mr. Chairman, if the limitation of cost is subject to a point of order, it is just as much subject to it if you say "provided that the cost shall not exceed so much," as it is if you say "the cost shall not exceed so much." It is simply splitting hairs.

The CHAIRMAN. The Clerk will report the amendment again.

The Clerk read as follows:

Page 27, after line 9, insert the following as a new paragraph:
"Buildings and grounds, Naval Academy: Toward the construction of wharf and approach, $50,000."

Amendment to the amendment: Add, after the words "$50,000," the following: "And the cost of same shall not exceed $125,000."

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

Mr. ROBERTS of Massachusetts. Mr. Chairman, a point of order has been reserved against that. I call that to the attention of the Chair, having in mind the decision of the Chair on the amendment offered by the gentleman from Mississippi [Mr. SISSON] limiting the cost of the ship fitters' shop at the Puget Sound Navy Yard.

The CHAIRMAN. The language in the amendment offered by the gentleman from Tennessee [Mr. PADGETT] is qualified. It says:

Toward the construction.

Mr. MANN. I take it that the question would be whether the original amendment was subject to a point of order. I did not hear the decision of the Chair on the Puget Sound item.

The CHAIRMAN. There was no point of order made against the original amendment.

Mr. ROBERTS of Massachusetts. If the Chair will pardon me, a point of order was made, because the limit of cost of the building had been fixed at $275,000, and the Chair ruled that out. Thereupon the chairman of the committee [Mr. PADGETT] offered an amendment, toward that building, so much money, and the gentleman from Mississippi [Mr. SISSON] offered an amendment to the amendment, again limiting the cost to $275,000, to which I made a point of order; and the Chair overruled my point of order, and the amendment to the amendment was agreed to.

The CHAIRMAN. The Chair did not understand that——

Mr. MANN. I think that ruling of the Chair was correct, because the item itself offered as an amendment was subject to a point of order. That was the amendment providing for a new building; and being subject to a point of order, it was in order to offer a limitation. Whether this wharf and approach item is subject to a point of order I do not know. That is another question.

The CHAIRMAN. The Clerk will again report the amendment.

The amendment and the amendment to the amendment were again read.

The CHAIRMAN. Did the gentleman from Illinois [Mr. FOWLER] reserve a point of order to the amendment offered by the gentleman from Tennessee?

Mr. FOWLER. I reserved a point of order upon the amendment to the amendment.

The CHAIRMAN. Does the gentleman make the point of order?

Mr. FOWLER. I make the point of order.

Mr. MANN. Will my colleague yield a moment?

Mr. FOWLER. Yes.

Mr. MANN. If this limitation goes out, then there will be no limitation on the cost of this wharf; and if we authorize its commencement, it then becomes a work in progress, which will authorize an appropriation of any size hereafter. So there is nothing gained by cutting off the limitation of cost.

Mr. FOWLER. Yes; but $125,000 limitation was intended to be a limitation upon the establishment of a dairy farm and not a limitation upon the establishment of a wharf and approach.

Mr. MANN. Oh, no; it is upon the wharf and approach.

Mr. FOWLER. No; because the approach is proposed by the bill to be completed for $50,000.

Mr. MANN. I think my colleague is mistaken. If he will look at page 28 of the bill, which he has there, in line 3, he will see that it reads:

Wharf and approach (to cost not exceeding $125,000), $50,000.

So that that limitation was upon the cost of the wharf. Now, without any limitation in the bill upon the cost of the wharf, if we commence it, the authority is given to appropriate any sum of money hereafter to complete it, and there will be no limit on the cost.

Mr. ROBERTS of Massachusetts. Will the gentleman from Illinois yield to me for a moment?

Mr. FOWLER. Yes.

Mr. ROBERTS of Massachusetts. I want to point out what one of these points of order has resulted in where somebody on the other side raised a point of order against the limitation of cost. Take the item for the 150-ton crane in the Norfolk Navy yard, to cost $300,000. In this bill that was reported at $100,000. The crane was to cost $300,000. The point of order was made against the paragraph because the limitation of cost was placed in it. The chairman of the committee promptly offered an amendment providing for a crane to cost $300,000 in the bill, and the gentleman's point of order has increased the bill $200,000. That is economy, I suppose?

Mr. FOWLER. The gentleman from Massachusetts voted for it, did he not?

Mr. ROBERTS of Massachusetts. Certainly; why should not I?

Mr. FOWLER. That is his idea of economy.

Mr. ROBERTS of Massachusetts. The gentleman's idea of economy was by making a point of order and striking out the item to cause an increase in the bill of the amount appropriated $200,000. His object in so doing is far beyond my conception.

Mr. FOWLER. The gentleman's idea of economy is when points of order are sustained against illegal provisions in the bill by the genius of his jingo policy he proposes to double or treble the amount by amendments.

Mr. ROBERTS of Massachusetts. The motion to double or treble the appropriation came from the other side and not from this side.

Mr. FOWLER. The gentleman himself helped to furnish votes to put into the bill the $300,000.

Mr. ROBERTS of Massachusetts. But if the gentleman from Illinois [Mr. FOWLER] had not raised the point of order, there would have been no opportunity to increase the amount.

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

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

Mr. FOWLER. Mr. Chairman, I did not understand the ruling of the Chair.

The CHAIRMAN. The point of order is overruled.

Mr. FOWLER. Why, Mr. Chairman, it is clearly permanent legislation, not authorized by law.

The CHAIRMAN. The point of order is overruled, and the question is on the amendment to the amendment.

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

The CHAIRMAN. The question now is on the amendment as amended.

Mr. LINTHICUM. Mr. Chairman, I want to say regarding this clause that has been stricken out with reference to the Naval Academy that it is a most important item. In 1910 there was an epidemic of sickness at the academy, and after it abated the gentlemen in charge purchased 125 cows. This money was taken from the midshipmen's store fund, and after this purchase the intestinal trouble and typhoid fever almost entirely disappeared.

According to the report made by Paymaster Bryan, from October 1, 1910, to September 30, 1911, during the time the academy was purchasing milk, there were 1,598 cases of sick leave, an average of 123 per month, and during the year after they had purchased the cattle it was reduced to 296 sick leaves, or less than 25 per month.

This 100 or 125 head of cattle are pastured on 6 acres of land, a part of the campus of the Naval Academy. The object of this appropriation was to buy some land adjoining their present tract, or just across the water, and to remove the buildings from that point over there where they could pasture cattle and grow their own corn for a silo, and where better milk could be had for the boys. At present they have but 6 acres of land to graze upon. If we purchased this land they would possess ample pasturage for their stock, which would not only result in a gain of more milk, but at the same time it would be cheaper. These boys do not come from any one section, they come from all over the country; they come from your district and my district, from homes where they have had every accommodation and every facility, to this school. All this appropriation asked was that we might buy some land to pasture the cattle and give them better milk and a better supply.

Mr. HENSLEY. Will the gentleman yield?

Mr. LINTHICUM. Let me say first that this money was not to be given permanently by the Government, but was to be charged against the midshipmen's store fund.

The boys were to pay this money back to the Government, so that in the end it would cost the Government nothing.

Mr. HENSLEY. Where were the butter and milk purchased before they established the dairy?

Mr. LINTHICUM. They had a contract with some people in the neighborhood, and when they could not furnish all they bought part of it from other people.

Mr. HENSLEY. Where everybody else got their butter—on the market?

Mr. LINTHICUM. No; they had a contract with a certain farmer to furnish them milk, and when he could not furnish a sufficient supply he bought from other people to comply with his contract.

Mr. HENSLEY. Mr. Chairman, I want to state to the gentleman that my position is this: Here is a proposition to buy so many hundred acres of land, without any sort of an effort made by anybody to ascertain what the land will cost, a lump-sum appropriation of $75,000 to buy a tract of land. There is no option obtained upon the land, nobody has made any effort to ascertain what the land will cost. It may be worth $10,000, $15,000, or $20,000, but as soon as this appropriation is made in this fashion the land will immediately enhance in value and, of course, become worth the full amount of the appropriation, and that is the reason why I raised the point of order.

Mr. LINTHICUM. Mr. Chairman, I think the gentleman could have implicit confidence in the men in charge of the Naval Academy, who have conducted it so admirably, and he could leave it to them.

Mr. CANTRILL. Mr. Chairman, I would like to ask the gentleman from Maryland where these cows came from?

Mr. LINTHICUM. These cows were purchased under the supervision of the Bureau of Animal Industry.

Mr. PAYNE. I make the point of order that there is no question before the committee.

Mr. CANTRILL. As I understand the gentleman, he said that the 125 cows cost $40,000.

The CHAIRMAN. The gentleman from Maryland has the floor on a motion to strike out the last word.

Mr. PAYNE. But I understood the paragraph had already been adopted, and nothing else has been read, so that the amendment would not be germane.

Mr. LINTHICUM. The $125,000 was for the cattle, the buildings, and the silo. The money by which these cattle and buildings were acquired was paid for out of money which the boys saved.

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

Mr. LINTHICUM. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

Mr. PADGETT. Mr. Chairman, I will ask the gentleman to extend his remarks in the RECORD. I would be glad under other circumstances to accommodate him, but that item has been passed and it is out of the bill.

Mr. LINTHICUM. Mr. Chairman, I have been helping to keep this quorum here for two days and have not taken up any of the time of this House. I ask unanimous consent for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LINTHICUM. Mr. Chairman, I want to say to the gentleman that these buildings were purchased and constructed out of the money saved from the midshipmen's store fund. It was the intention of those who asked for this appropriation to secure this loan of $75,000, the money to be repaid the Government out of the store fund. In reality it was to cost the Government nothing. The boys were to pay the entire cost. It was merely a loan from the Government to the Naval Academy.

Mr. HENSLEY. Does the gentleman think it is a good business proposition for the Government to appropriate $75,000 for the purchase of so many acres of land without ascertaining what the land can be purchased for, or anything of that kind? Would that appeal to the gentleman as a business proposition? Now, it was for this reason I made the point of order against the item to which the gentleman refers.

Mr. LINTHICUM. If I had agents in whom I had implicit confidence and I wanted to acquire certain land in a certain community I would not hesitate to trust those agents to buy it.

Mr. COOPER. Mr. Chairman, will the gentleman permit an interruption?

Mr. LINTHICUM. Certainly.

Mr. COOPER. Would it not be proper to suggest in reply to the gentleman's question that this land was to be taken by the United States Government for a public purpose? Could it not condemn the land for that purpose and not be held up by the owner of the land?

Mr. LINTHICUM. Mr. Chairman, I desire to say to the gentleman that in my experience in public life condemnations have been expensive. I believe this land can be bought reasonably. I believe it can be bought far more reasonably to-day than it can next year or in the next two or three years. I know the community. It is my native county. I know the people and I know the money would be expended wisely and judiciously. I know it would prove a splendid investment for our Naval Academy to secure this land.

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

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

The Clerk read as follows:

Naval proving ground, Indianhead, Md.: Addition to facilities, $29,000; storehouse for nitrate of soda, $15,000; in all, naval proving ground, Indianhead, $44,000.

Mr. SISSON. Mr. Chairman, I would like to ask the gentleman from Tennessee in regard to "addition to facilities, $29,000."

Mr. PADGETT. It is an addition to the facilities there for the manufacture of powder.

Mr. SISSON. Is that item technically correct?

Mr. PADGETT. Yes; because it consists of a number of items, adding to others so as to enlarge the capacity and output.

Mr. SISSON. There is where they manufacture the powder, and it is called "facilities."

Mr. PADGETT. Well, it is facility to manufacture there. It is a powder manufacturing plant, and that consists of a number of facilities. We add others of this kind here and there, and instead of specifying each one of them we say "addition to facilities."

Mr. SISSON. Almost everything could be paid for out of that item.

Mr. PADGETT. Yes.

Mr. SISSON. Whether it is in reference to powder or not, it could be paid for with reference to anything about the building.

Mr. PADGETT. There is nothing there except the manufacture of powder and the testing of guns.

Mr. BURNETT. Is the nitrate of soda used in the manufacture of powder?

Mr. SISSON. Yes.

The Clerk read as follows:

The Secretary of the Navy is directed to investigate and report at the next regular session of Congress the most suitable location for a new firing and proving range for high-power guns of the Navy in the vicinity of the proving grounds, Indianhead, Md., or elsewhere, having a free and unobstructed range of not less than 18,000 yards, and the cost thereof, and the Secretary of the Navy is authorized to secure options for the purchase of said land and report said options to Congress for its future consideration and action.

Mr. TRIBBLE. Mr. Chairman, I make the point of order against that paragraph.

Mr. PADGETT. Mr. Chairman, it is subject to the point of order.

The CHAIRMAN (Mr. GARRETT). The point of order is sustained.

The Clerk read as follows:

Engineering experiment station, Annapolis, Md.: Concrete sea wall, $50,000.

Mr. SISSON. Mr. Chairman, I reserve a point of order against the paragraph for the purpose of asking the gentleman from Tennessee what is the authority for the construction of this sea wall at this experiment station?

Mr. PADGETT. We have an experiment station there, and we own the ground, and the buildings are right on the bank, and the grounds are washing away.

Mr. SISSON. Does the organic act give this authority to the Congress to build a sea wall?

Mr. PADGETT. Certainly. This is on the academy grounds there, and we have had one at another point. It is within the act to appropriate to erect walls to preserve the property.

Mr. SISSON. Well, it is not specifically stated in the organic act that they may build a sea wall?

Mr. PADGETT. No; I do not know.

Mr. SISSON. This has nothing to do with the ordinary building of a building and grounds in reference to a college or school.

Mr. PADGETT. I have not looked up the act establishing the Naval Academy and acts amendatory thereof, but they have been building a sea wall there for years. We are doing experimental work there.

Mr. SISSON. That does not necessarily mean this item is not subject to the point of order.

Mr. PADGETT. I know; but we are building one, and have been for years.

Mr. SISSON. I understand that, but necessarily it does not prevent this being subject to the point of order.

Mr. PADGETT. I said to the gentleman I had not looked up the act establishing the Naval Academy or the amendatory acts.

Mr. SISSON. Mr. Chairman, I make the point of order. I would like the gentleman from Tennessee to show the authority for this appropriation.

Mr. PADGETT. Just a moment, Mr. Chairman. The experiment building stations are on filled ground projecting into the Severn River from the shore opposite the Naval Academy. The site is at present protected by timber and plank bulkheads, the areas between the bulkheads and the building being paved with brick. The timber work, although creosoted, is very badly eaten by the teredo. Large areas of the filling have washed out and the pavement has fallen in.

Mr. SISSON. But a statement of the testimony does not give the authority.

Mr. PADGETT. This is simply a rebuilding of an old wall, practically. We have got a wall there that has given way, and this is simply to rebuild and repair the wall that is there.

Mr. SISSON. The wall that is there is made of wood, is it?

Mr. PADGETT. Yes, sir.

Mr. SISSON. That is the testimony?

Mr. PADGETT. Yes.

Mr. SISSON. Where is the act; that is what I do not know?

Mr. PADGETT. When we established the station——

The CHAIRMAN. Are the gentlemen discussing the point of order?

Mr. SISSON. Yes; I wanted to know what the authority is to build it.

Mr. PADGETT. We have an existing wall there that has given way, and this is to rebuild and repair an existing public work, and it is not subject to the point of order.

The CHAIRMAN. The Chair overrules the point of order. The Clerk will read.

The Clerk read as follows:

Naval magazine, Mare Island, Cal.: One magazine building, $15,000; two filling houses, $2,400; extension of sea wall, $2,500; in all, $19,900.

Mr. KNOWLAND. Mr. Chairman, I move to strike out the last word. This morning, when the gentleman from Mississippi was addressing the House, he took occasion to make an attack upon the Mare Island Navy Yard, located in California. I want to say in this connection that the Mare Island Navy Yard——

Mr. SISSON. I want to say to the gentleman that there were two "gentlemen from Mississippi" who addressed the House this morning. It was the other gentleman who referred to the Mare Island Navy Yard. I said nothing about it.

Mr. KNOWLAND. I referred to the other gentleman from Mississippi [Mr. WITHERSPOON]. The gentleman's apology is accepted.

While after March 4 I will no longer represent the Mare Island Navy Yard, I nevertheless feel there should not go into the RECORD statements such as he made without being refuted, particularly in view of the fact that they were misstatements——

Mr. SISSON. I will ask the gentleman to yield for just a moment. I notice that my colleague from Mississippi [Mr. WITHERSPOON] is not on the floor. I want that to be noted in the RECORD.

Mr. KNOWLAND. I wish he were on the floor, because I would like to have him hear what I have to say. I want to state in reference to the Mare Island Navy Yard that it is one of the oldest, the best-equipped and most efficient navy yards in the whole United States. We have only two navy yards on the Pacific coast, the Mare Island Navy Yard and the navy yard located at Puget Sound. Mare Island is the best equipped of any Government yard outside of the one at Brooklyn, and is one of the two navy yards in the country thoroughly equipped for shipbuilding. We have built there the training ship *Intrepid;* we have built there the collier *Prometheus* and the collier *Jupiter*. The records of the department show that of all ships built in Government yards no better record was made than was made at the Mare Island Navy Yard in the building of the ships just mentioned. There is only one criticism that can be made against that yard, and it is in regard to the depth of the channel, and I will admit that there has been some difficulty in that respect.

Mr. MURRAY. Is the gentleman familiar enough to give the committee the information as to the cost of equipping the Mare Island Yard for the shipbuilding facilities referred to?

Mr. KNOWLAND. I remember one item was the building of a cantilever crane, which cost $175,000, and then there were some other items for tools, and so forth, which has made it a thoroughly equipped yard for shipbuilding. Everyone realizes that the draft of vessels has been greatly increased, and there is scarcely a navy yard in the United States where it has not been necessary to expend money for dredging, in order that the larger battleships might be able to enter these yards. This has been true of nearly every harbor within the United States. To meet this condition at the Mare Island Navy Yard there was appointed by the President in 1907 a board of Army and Navy engineers to make a careful study of the hydraulics of the Mare Island straits and approaches with the idea of securing for the channel leading to that yard a sufficient depth of water. They made a report, which I now hold in my hand, known as House Document No. 1103, Sixtieth Congress, second session. Nothing was done in regard to those recommendations until 1911, when estimates were made by the Secretary of the Treasury touching the improvements of the hydraulics of the Mare Island straits and the dredging of the channel in San Pablo Bay, Cal., which are the approaches to this yard. Appropriations were made by Congress, which are continuing appropriations, providing for the improvements as recommended by this Government board.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for five minutes more.

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

Mr. KNOWLAND. Appropriations were made to give sufficient depth of water in order that the largest battleship afloat might reach that yard. Now, this work is under way, and I have no doubt that when it is completed, and the money has already been provided for it, that we will have leading to the Mare Island Navy Yard a channel sufficiently deep to accommodate the largest vessels. There has been a great deal of money spent there. It is an ideal location for a navy yard because it is sufficiently far away from the Pacific Ocean to be safe from attack by a hostile fleet, and for this reason it has a special strategic advantage.

Mr. PADGETT. If the gentleman will permit, I can give him the amount expended, in answer to the question of the gentleman from Massachusetts [Mr. MURRAY].

The amount for the plant, buildings, and so forth, $17,644,057, and the amount for the maintenance, $17,363,162, making $35,000,000 all told.

Mr. KNOWLAND. That covers the period since the establishment of the yard in the seventies?

Mr. PADGETT. Yes; since its organization.

Mr. KNOWLAND. The question of the gentleman from Massachusetts [Mr. MURRAY], as I understood it, had reference only to what it has taken to equip the yard for shipbuilding, and I answered by giving the cost of a crane. In view of these facts, Mr. Chairman, it would seem unfair for anyone to rise on this floor and say that the Mare Island Navy Yard is useless because there has been some slight difficulty in regard to the depth of channel, when Congress has provided the money necessary to make the depth sufficient to accommodate any vessel afloat.

I have sat here, Mr. Chairman, during the consideration of this bill and have noted the most extraordinary situation which confronts this House. Never before during my nine years of service have I seen such a mix up. We have two Democratic factions among the members of the Committee on Naval Affairs, one faction attacking its own bill and the other faction defending it.

If I were to apply nautical language in describing this committee, I would compare it to a ship at sea with a mutiny aboard, the crew trying to displace the captain and scuttle the ship. The craft is drifting without rudder and without compass, and from present indications is likely to run on the rocks; and in the meantime the Navy of the United States must suffer.

Mr. SISSON. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Mississippi [Mr. SISSON] moves to strike out the last word.

Mr. SISSON. Mr. Chairman, in the absence of my colleague, Mr. WITHERSPOON, I desire to say that, while I did not note the exact language of my colleague, my recollection of what he said—and I have not looked at his speech since it has gone into the RECORD, either—is that these stations, many of them, ought to be abolished. He also said something about the conditions at Mare Island. But I am sure that it was not and never is the intention of my colleague to be unfair in any statement that he may make. [Cries of "Read!" "Read!"]

The CHAIRMAN. The pro forma amendment will be considered withdrawn. The Clerk will read.

The Clerk read as follows:

For naval magazine, navy yard, Puget Sound, Wash.: One building for storehouse and cartridge-bag factory, $15,000; clearing and grading ground, $3,000; quay wall, $15,000; one filling-house, $1,500; one set of quarters for gunner, $6,000; in all, $40,500.

Mr. FOSTER. Mr. Chairman, I make a point of order on "one building for storehouse and cartridge-bag factory, $15,000."

Mr. PADGETT. Mr. Chairman, I will say to the gentleman that the factory part of it is simply just a little room in which to make the bags that go upon the shells and powder. It is only a small part of the item.

Mr. FOSTER. The reason I made the point was to ascertain if it was intended to start a factory there.

Mr. PADGETT. No, sir. The intention is only as I have stated.

Mr. FOSTER. This seems to be an authorization to start a factory. I did not know whether we ought to go into that.

Mr. ROBERTS of Massachusetts. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. FOSTER. Yes.

Mr. ROBERTS of Massachusetts. The Chief of Ordnance tells our committee that it is desirable to have a small space at each of these magazines in which to sew up the cloth out of which these powder bags are made, because it is impracticable to make those bags at one central point and send them out through the country for the reason that each batch of powder, if I may so term it, will vary in its power and intensity, and the size of the bag must be varied according to the powder that goes into them. It is not a large establishment, and it would not be a large establishment, because it will handle only the powder that will be stored in this particular magazine.

Mr. FOSTER. It is not large to start with, but it might be developed into a large plant.

Mr. PADGETT. If the gentleman objects to that, just strike out the word "factory" and leave the item for the principal purpose for which it is intended.

Mr. FOSTER. I will state to the gentleman from Tennessee that I do not care particularly about that, but I do not believe, unless we have an absolute assurance against it, that it would be well to let this stand in a shape where a future Congress could take this up as a means of starting a factory out there.

Mr. PADGETT. There is no such intention or desire.

Mr. ROBERTS of Massachusetts. And I may add, in all human probability there will be no necessity for extending it.

Mr. PADGETT. It is only a small matter.

Mr. ROBERTS of Massachusetts. This is really a building with a small space in one end for the sewing of bags.

Mr. FOSTER. I make the point of order, Mr. Chairman.

The CHAIRMAN. The Chair sustains the point of order. The Clerk will read.

Mr. PADGETT. Mr. Chairman, I offer an amendment to insert the words "one building for storehouse, $15,000."

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

The Clerk read as follows:

Page 29, line 25, insert after the word "Washington" the words "one building for storehouse, $15,000."

The amendment was agreed to.

The Clerk read as follows:

Naval magazine, Hingham, Mass.: Magazine for smokeless powder, with railroad approach and extended fire main, $16,555; railroad track to filling house, $1,800; 1 detonator house, $1,250; 1 guncotton house, $1,250; 1 filling house, $1,500; in all, $22,445.

Mr. MANN. Mr. Chairman, I reserve a point of order on that paragraph. Is not this the naval magazine at Hingham that the gentleman from Massachusetts was trying to get rid of a short time ago?

Mr. ROBERTS of Massachusetts. Oh, no. If the gentleman will yield to me, this is a magazine that I had some part in having established at Hingham in order to get a magazine removed from my own city.

Mr. MANN. I know; but some time ago when we had the matter up did they not kick about having this magazine at Hingham?

Mr. ROBERTS of Massachusetts. Some of the people in Hingham kicked.

Mr. MANN. And the gentleman spoke for them?

Mr. ROBERTS of Massachusetts. Oh, no; I was not kicking about it.

Mr. MANN. I am afraid the gentleman's recollection is bad.

Mr. ROBERTS of Massachusetts. No, indeed. I have been perfectly satisfied to have the magazine there.

Mr. FOSTER. It seems to me that the gentleman from Massachusetts, when the people there were wanting to get half pay or one-third pay for that bridge, was very much opposed to this naval magazine.

Mr. ROBERTS of Massachusetts. No; I was not opposed to the magazine being there at all. You have got "the gentleman from Massachusetts" confounded with another gentleman.

Mr. MANN. I may be wrong, but my recollection is very distinct that the gentleman from Massachusetts [Mr. ROBERTS] was rather protesting against imposing upon the people there this dangerous naval magazine.

Mr. ROBERTS of Massachusetts. Oh, no; I never made any opposition on that score.

Mr. MANN. I wondered whether the gentleman wanted to enlarge it.

Mr. ROBERTS of Massachusetts. I got the dangerous magazine out of my city. Why should I complain?

Mr. MANN. If the gentleman says he wants it, for future reference at least I will withdraw the point of order.

Mr. ROBERTS of Massachusetts. The point of order would not lie against it, as the gentleman will see if he will read the organic act.

Mr. MANN. That is another question. I have withdrawn the point of order.

The Clerk read as follows:

Naval magazine, Olongapo, P. I.: Two sets of quarters, chemist and subinspector, $6,000; extension magazine, $1,300; filling house, $4,000; renewal of dock, $4,000; in all, $15,300.

Mr. SISSON. I notice here appropriations are made for certain expenditures in the Philippine Islands. Did the chairman and the committee take into consideration that there is a possibility of the abandonment of the Philippine Islands?

Mr. PADGETT. We will never abandon the naval station at Olongapo.

Mr. SISSON. You expect to keep the naval station there in any event?

Mr. PADGETT. In any event.

The Clerk read as follows:

Naval magazine, Kuahua, Hawaii: Two magazines, $50,000; railroad tracks and scales, $15,000; one gunners' quarters, $7,000; machinery and tools, $20,000; one shipping house, $60,000; building for torpedoes and mines, $50,000; two filling houses, $16,000; one segregation house, $10,000; one bombproof, $1,500; one unfusing roof, $500; building for marine guard, $2,500; compressed air locomotive plant, $18,000; in all, $250,500.

Mr. SISSON. I reserve a point of order against this paragraph for the purpose of making an observation. Will the chairman of the Committee on Naval Affairs tell us the reason for appropriating for one shipping house $60,000?

Mr. PADGETT. This is a part of the Pearl Harbor naval station. It is on a little island just a few yards from the docks, and so forth, and here they have a storage for powder, explosives, and things of that kind.

Mr. SISSON. Separated some little distance from the other?

Mr. PADGETT. Separated from the other. It is a part of the general plan that was authorized, for which the estimates were submitted in 1911.

Mr. SISSON. How far is the shipping house from the magazine?

Mr. PADGETT. I could not say. I have not been there.

Mr. SISSON. Is it a part of it?

Mr. PADGETT. No. You can only reach it by boat, and they must have a house to unload the cargoes into; and then, when they ship anything out they must have a house to handle it.

Mr. SISSON. Did the committee go into the question of the size of the house that was necessary at that place?

Mr. PADGETT. Yes. It is all gone over here.

Mr. SISSON. The committee were thoroughly satisfied that the size of the house was all right?

Mr. PADGETT. Yes.

Mr. SISSON. I notice a provision for a compressed air locomotive plant, $18,000. What do they want of a compressed air locomotive plant?

Mr. PADGETT. This is where they have the powder and the high explosives, and they have to use a compressed air locomotive instead of one that burns coal or gasoline or that uses electricity. They might explode the whole thing.

Mr. SISSON. Mr. Chairman, I withdraw the point of order.

Mr. MANN. I reserve the point of order. How many magazines will there be at this station?

Mr. PADGETT. This one.

Mr. MANN. There are two provided for in this bill.

Mr. PADGETT. Two magazine buildings.

Mr. MANN. I took my expression from the language of the bill, line 16, page 30, "two magazines, $50,000," and there is one already provided for by current law. How many will be required there?

Mr. ROBERTS of Massachusetts. The statement will be found on page 249 of the hearings.

Mr. PADGETT. Last year we appropriated for one magazine, and Admiral Twining says this is a part of the general scheme laid out years ago, and that this completes that general scheme.

Mr. MANN. I withdraw the point of order.

The Clerk read as follows:

Marine barracks, Boston, Mass.: Barracks, $100,000; officers' quarters, $48,000; in all, $148,000.

Mr. FOWLER. Mr. Chairman, I reserve a point of order against the paragraph. I desire to inquire of the distinguished chairman of the committee if there has previously been established marine barracks at this place?

Mr. PADGETT. Yes.

Mr. FOWLER. It was not carried in the appropriation bill of last year for this purpose?

Mr. PADGETT. No.

Mr. FOWLER. Why should you have this large appropriation of $148,000?

Mr. PADGETT. The marine barracks for which $100,000 is appropriated and the officers' quarters is what $48,000 is appropriated for.

Mr. FOWLER. These are new buildings?

Mr. PADGETT. Yes; both new buildings.

Mr. FOWLER. Do the barracks need repairs?

Mr. PADGETT. They have an old building built many years ago, but it is worn out and very antiquated.

Mr. ROBERTS of Massachusetts. The building was built in 1823—90 years ago.

Mr. PADGETT. It has become insanitary, and in order to serve the meals to the marines they have to serve them in three courses; they have the first table, then the second table, and then the third table.

Mr. MANN. We have more than that while we have the naval bill under consideration. [Laughter.]

Mr. FOWLER. Is it intended to use $100,000 for repairing this building?

Mr. PADGETT. No; that is to build a new one.

Mr. FOWLER. What will you do with the old one?

Mr. PADGETT. Tear it down and build another in its place. The old one is all out of whack. Probably they will sell the old lumber in it and use the bricks.

Mr. FOWLER. Is it necessary to keep up these barracks?

Mr. PADGETT. Oh, yes.

Mr. FOWLER. Well, I think I will withdraw——

Mr. MANN. Will the gentleman first make an inquiry about the officers' quarters?

Mr. PADGETT. The officers' quarters are a part of the marine barracks; their quarters at present are in the old building that I have described.

Mr. COX. How many officers are quartered there?

Mr. PADGETT. I do not know; perhaps the gentleman from Massachusetts knows.

Mr. MURRAY. Twelve to twenty, as a regular thing, but frequently there are more than that, depending upon the number of men stationed there.

Mr. COX. In one building?

Mr. ROBERTS of Massachusetts. They are all in one building now.

Mr. FOWLER. I desire to ask the chairman why we could not provide for officers' quarters in the new building which he proposes to build at a cost of $100,000?

Mr. PADGETT. That will not be large enough to afford accommodation for a large number of marines and the officers in addition.

Mr. FOWLER. Is it proposed to build a building equally as large as the one they now occupy?

Mr. PADGETT. They propose to build a larger one.

Mr. FOWLER. And the old one accommodates the marines and also the officers, as I understand?

Mr. PADGETT. They are quartered there, but it is not satisfactory or sufficiently comfortable.

Mr. FOWLER. Does the gentleman think the new building would be sufficient to accommodate all of them for all purposes?

Mr. PADGETT. The officers in charge submitting the estimate said not.

Mr. FOWLER. Is it not a peculiar idea that the officers want a separate building—are they not rather aristocratic?

Mr. PADGETT. No; that is the practice at all barracks and quarters.

Mr. FOWLER. Mr. Chairman, I feel that the appropriation proposed here is large and might be cut down, but I do not desire to prevent their having quarters such as the men need. If I could believe a saving would be made, I would be glad to have it cut out, but I withdraw the point of order.

Mr. SISSON. Mr. Chairman, I renew the point of order. The gentleman has $48,000 for officers' quarters. I notice in the other paragraph that you provided for two officers' quarters at $24,000. What do officers' quarters generally cost—$12,000?

Mr. PADGETT. That depends upon the rank of the officer. There was a law passed by Congress regulating the price as to the Army, and we have adopted the same with reference to the Navy.

Mr. SISSON. Does the gentleman recollect what those are?

Mr. PADGETT. They run from $8,000 to $15,000, according to my recollection.

Mr. SISSON. Irrespective of the location, the cost of the ground, and the building itself to cost $8,000 to $15,000?

Mr. PADGETT. No; they are usually built on the ground owned by the Government.

Mr. SISSON. I understand; but it is exclusive of the cost of the land upon which it is built?

Mr. PADGETT. Yes.

Mr. SISSON. About $12,000; and I presume with $48,000 it is proposed to provide for four officers' quarters.

Mr. PADGETT. Oh, no; 12 or 15. A good many of them are for bachelors' quarters.

Mr. SISSON. And how many marines do you have there?

Mr. PADGETT. Two or three hundred.

Mr. SISSON. You appropriate $100,000 to take care of two or three hundred marines and $48,000 to take care of 10 or 12 officers. Is not that rather out of proportion?

Mr. PADGETT. No. Under the law an officer is entitled to commutation of quarters at a certain amount.

Mr. SISSON. An officer occupying these quarters will be entitled to commutation of quarters?

Mr. PADGETT. No; if there are no quarters furnished to him, he gets commutation according to his rank.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SISSON. Mr. Chairman, I withdraw the point of order.

The Clerk read as follows:

Marine barracks, Isthmus of Panama: Erection of barracks, quarters, and other buildings for accommodation of marines, $400,000.

Mr. FOSTER. Mr. Chairman, I make the point of order on the paragraph.

Mr. ROBERTS of Massachusetts. Mr. Chairman, I would like to be heard on the point of order.

The CHAIRMAN. What is the point of order?

Mr. FOSTER. That this is not authorized by law.

Mr. PADGETT. Mr. Chairman, if the gentleman will permit me, I would like to make this statement: Col. Goethals appeared before our committee and stated that he had now about 600 marines down there. They are occupying quarters that were purchased from the French. They are being destroyed by the ants and insects. When the canal is completed the railroad will be placed on the opposite side of the canal from that on which it is running now. The marines will have to be transferred to that side. Col. Goethals said that he had all of his machinery, his cement, and all of his appliances there, and that if we would permit him to build the barracks now instead of later, while he has his plant all in operation, he could build it at a saving of about 40 per cent on the construction.

Mr. FOSTER. Mr. Chairman, in reply to the gentleman from Tennessee, I would say that I think we have already provided for the housing of something like 8,800 soldiers in Panama, and I think in view of that fact that these marines have not been necessary; that nobody would think for a minute that there has been any necessity for a great number of soldiers down there up to this time, and there possibly will not be for some time to come.

The CHAIRMAN. The Chair would suggest that the matter now pending is the point of order.

Mr. PADGETT. Mr. Chairman, I was simply submitting these matters to the consideration of the gentleman to see if he would not withdraw the point of order. He will bear in mind that the marines are used in many services where we do not use soldiers or others.

Mr. FOSTER. I understand that fully.

Mr. ROBERTS of Massachusetts. Mr. Chairman, I would like to submit something on the point of order, and I refer the Chair to the organic act to provide for the construction of a canal connecting the waters of the Atlantic and Pacific Oceans, which was approved June 28, 1902, known as the Spooner Act. In section 5 of that act are to be found these words:

And the President is hereby authorized to cause to be entered into such contract or contracts as may be deemed necessary for the proper excavation, construction, completion, and defense of said canal, harbors, and defenses by the route finally determined upon under the provisions of this act. Appropriations therefor shall from time to time be hereafter made not to exceed in the aggregate, etc.

Now, the first clause of that act has heretofore been construed by Mr. MANN, of Illinois, in the chair on February 25, 1911, when a provision was under consideration providing for fortifications of the canal, and the gentleman in a long and exhaustive opinion ruled that under that organic act the President could police the canal and could cause to be erected the necessary buildings and fortifications, and so on, to carry out the purposes of the organic act. He said:

The Chair personally has been very much at sea in reference to the desirability of fortifying the canal, but in deciding the point of order the Chair does not pass upon that in any respect. It seems to the Chair that whereas it is provided that the United States shall preserve the neutrality of the canal for the benefit of all nations alike, and that the United States shall provide military police upon the canal to preserve it from disorder, and whereas Congress has provided that the Government shall construct, maintain, operate, and protect the canal, it is quite within the power of the House to determine in what way it should be protected, and whether fortifications are necessary. If fortifications are necessary for protection, then the items in the bill are in order. The Chair therefore overrules the point of order.

Now, the President and the House assenting, they decided it is necessary to keep marines on the Isthmus for police purposes. If we are to keep marines there, we must house them, and here is where we carry authority under the organic act to provide barracks for those police on the Canal Zone.

Mr. SISSON. Now, Mr. Chairman, the gentleman is at total variance with the testimony of Col. Goethals and Secretary of War Stimson when they appeared before the Committee on Appropriations in reference to this matter. Now, this is a matter not of policy, not of defense, so far as the canal is concerned, and is to be no part of the defense of the canal. It is not the policy that it shall be a part of the defense of the canal, and they specifically state that in the selection of this as a policy to put the marines on the Canal Zone, that they are not to be used in the defense of the canal, as I will show in a moment, but they are to be used or kept there so they could easily be transferred for the purpose of policing the South American countries. I read what Secretary Stimson said in answer to a question of the chairman. Mr. SHERLEY was chairman of the subcommittee——

Mr. FOSTER. That is, on fortifications?

Mr. SISSON. On fortifications; and they went over this entire policy of Congress advocated by the Army and by the Navy as to the number of troops that may be kept upon the Canal Zone. Col. Goethals was present at the time this testimony was delivered, and answered questions along at the same time that Secretary Stimson did. In answer to a question by the chairman Secretary Stimson said:

Secretary STIMSON. The Navy has simply asked for permission to put an advance post of their marines there as a convenient place, without reference to the defense of the Isthmus at all, but with reference to Navy operations pure and simple. It would be, of course, a military mistake of a very grave character to count on a force of two kinds, not under the same head, to defend any outpost. The plans for the defense of the Isthmus contemplate simply a defense by a force of troops from the Army.

In the defense of the canal this committee has absolutely no jurisdiction because the Appropriations Committee has juris-

diction of the fortifications and the defense of the Panama Canal entirely.

So Secretary of War Stimson and Col. Goethals both say that these marines are not to be used in the defense of the canal, and that they are no part of the canal establishment and will not be under the control of the——

Mr. ROBERTS of Massachusetts. Will the gentleman yield?

Mr. SISSON. I will.

Mr. ROBERTS of Massachusetts. When did Col. Goethals make that statement?

Mr. SISSON. I read Secretary Stimson's statement, but Col. Goethals was there.

Mr. ROBERTS of Massachusetts. When?

Mr. SISSON. When they had the hearings.

Mr. ROBERTS of Massachusetts. When was that?

Mr. SISSON. During this present Congress. I have not looked up the date there, but it is in the hearings. You will find it in the hearings under estimates for the construction of the Panama Canal fortifications—fiscal year 1914.

Mr. ROBERTS of Massachusetts. Do not the hearings state this date?

Mr. SISSON. There is no date here showing exactly when they appeared. It is one continuous hearing. They had the hearings there from day to day.

Mr. ROBERTS of Massachusetts. Now, I would like to ask the gentleman one further question. Do I understand the gentleman from Mississippi [Mr SISSON] to say that he is quoting the Secretary of War and not Col. Goethals?

Mr. SISSON. What is that?

Mr. ROBERTS of Massachusetts. Do I understand the gentleman to state that he is quoting the Secretary of War and not quoting Col. Goethals?

Mr. SISSON. I am quoting Secretary Stimson. The hearings were commenced on November 18, 1912.

Mr. ROBERTS of Massachusetts. When were they finished?

Mr. SISSON. I do not recall.

Mr. ROBERTS of Massachusetts. And the gentleman is not quoting Col. Goethals at all?

Mr. SISSON. On page 266, if the gentleman has the Panama Canal hearings——

Mr. ROBERTS of Massachusetts. I have not those hearings. I have some others which I want to read in a moment.

Mr. SISSON. Now, Col. Goethals, just before that, was discussing with the Committee on Naval Affairs the permanent camp sites. Now, Col. Goethals was present during the time that Secretary Stimson was there, and their testimony was given together, and they frequently interrupted each other in reference to this matter. But I do not find in the hearings where Col. Goethals has said anything that was applicable to the question at issue now. The Secretary of War, his superior in the department, does make that statement, which is conclusive.

Mr. COX. He never denied the Secretary's statement, did he?

Mr. SISSON. No.

Mr. MADDEN. Does the gentleman know whether the marines belong to the Army or the Navy?

Mr. SISSON. To the Navy.

Mr. MADDEN. Would not this item be properly in this bill, then?

Mr. SISSON. He is contending it is a part of the defense of the canal, and, if it is, it must be a part of the defense of the canal before it can be in order, and it would not be in order on this bill, but on another bill.

Mr. MANN. Will the gentleman yield?

Mr. SISSON. I will.

Mr. MANN. If there was desired to insert an item relating to the Navy for the defense of the canal, does the gentleman contend that the Appropriations Committee would have jurisdiction over a naval item for the defense of the canal?

Mr. SISSON. I do not contend that that would be true, but they must have some specific law authorizing this appropriation, aside from that organic act, before they can hold that this naval bill can carry under that law, as it now exists, a part of the defense.

Mr. MADDEN. Does the gentleman know how many buildings have been erected on the Isthmus of Panama for the quarters of the marines?

Mr. SISSON. I was on the zone, but my information is that they are occupying buildings that were constructed there perhaps for other purposes.

Now, there were a great many buildings improved there for other purposes, and the marines came down without much notice, I understand from Col. Goethals, and he had to put himself to some little trouble to get quarters for them.

The CHAIRMAN. Will the gentlemen permit the Chair to engage the attention of the gentleman from Massachusetts [Mr. ROBERTS] in a little heart-to-heart talk for a moment?

I understand the gentleman read in justification of this clause the word "defense." Now, coupled with that is the language that goes before it. Has the gentleman——

Mr. ROBERTS of Massachusetts. I have not a copy. This is the only one we have on the floor.

The CHAIRMAN (reading)—

> And the President is hereby authorized to cause to be entered into such contract or contracts as may be deemed necessary for the proper excavation, construction, completion, and defense of said canal—

And so forth.

Mr. ROBERTS of Massachusetts. Now, right on that question——

The CHAIRMAN. Now, will the gentleman permit? Has there been any contract entered into for the marine barracks here?

Mr. ROBERTS of Massachusetts. Not for these proposed barracks; but if the Chair will pardon me a moment, right on the point that the gentleman from Mississippi spoke of, the use of the marine barracks for defense, let me say, in the first place, that the War Department has set aside a location for these barracks for occupation by the marines. A certain tract of land has been set aside expressly for the marines who are to remain on the Isthmus. On January 18 of this year Col. Goethals appeared before the Committee on Naval Affairs, urging the committee to provide for barracks on that location which had been set apart by the War Department for occupation of marines. The gentleman from Pennsylvania [Mr. BUTLER] asked him:

> About how many acres were set apart, do you recall?
> Col. GOETHALS. No, sir; I do not recall. It is ample for all their needs.
> Mr. BUTLER. How far is it from the Miraflores Lock?
> Col. GOETHALS. About 5 miles.
> Mr. BUTLER. Is it located so that the marines at that point could furnish such protection as might be necessary for this dock?

I want the gentleman from Mississippi to observe this language.

Mr. SISSON. I will.

Mr. ROBERTS of Massachusetts. The answer of Col. Goethals is:

> Yes, sir.
> Mr. BUTLER. And you had that in view at the time of the selection?
> Col. GOETHALS. No, sir; the site had in view more the location of Panama. The marines are camped within a thousand feet of the dry dock.

Mind you, this land was selected by Col Goethals, having in view the defense of these locks by the marines. You see they are to defend not only the locks but the dry dock as well, and this location was selected with that in view.

Mr. SISSON. I will give you what Col. Goethals said before the Committee on Appropriations about it, in answer to the chairman's question about the $400,000 item for the marine camp, the very item which is carried in this bill.

Mr. ROBERTS of Massachusetts. What committee hearing is the gentleman about to read from?

Mr. SISSON. From the hearings before the subcommittee of the Committee on Appropriations on the fortifications appropriation bill. After hearing the chairman's question in reference to the $400,000 marine-camp item, Col. Goethals replied as follows:

> Col. GOETHALS. When the joint board came to the Isthmus in 1909 or 1910, they selected certain sites for Army uses and certain sites for naval uses, and one of the sites selected for naval uses was the Quarry site at Ancon Hill for the marines; and if I remember correctly, the naval members of the board then thought it was to have 1,200 marines located there for dealing with problems that might arise in Central and South America, and for advance base duty in time of war. The estimate of $400,000 is for barracks and quarters for 500 marines. Now, I do not know whether they intend to extend that to include the 1,200 they figured on in 1909 or 1910.

Then Secretary Stimson said:

> The Navy has simply asked for permission to put an advance post of their marines there as a convenient place, without reference to the defense of the Isthmus at all, but with reference to Navy operations pure and simple. It would be, of course, a military mistake of a very grave character to count on a force of two kinds, not under the same head, to defend any outpost. The plans for the defense of the Isthmus contemplate simply a defense by a force of troops from the Army.

And that settles it, because there is the testimony, both of Secretary Stimson and of Col. Goethals; and they both say that these marines are not to be used, and were never intended as a part of the defense of the canal.

Mr. ROBERTS of Massachusetts. Later than that, Mr. Chairman——

Mr. FOSTER. The chairman of the committee stated about the same thing in his remarks a few moments ago.

The CHAIRMAN. The Chair is ready to rule. The Chair has read carefully the paragraph of the organic act cited by the gentleman from Massachusetts which says:

And the President is hereby authorized to cause to be entered into such contract or contracts as may be deemed necessary for the proper excavation, construction, completion, and defense of said canal, harbors, and defenses—

And so forth. The Chair has also read section 2 of that act, as well as the ruling made by Mr. Chairman MANN, which has been referred to.

It does not seem to the Chair that the ruling of Mr. Chairman MANN or the wording of section 2 apply to the particular point of order that is now before the House. It seems to the Chair that the only question is whether a contract has been entered into by the President of the United States. There is no suggestion that such a contract has been entered into, and the Chair therefore sustains the point of order. The Clerk will read.

The Clerk read as follows:

Total public works, navy yards, naval stations, naval proving grounds and magazines, Naval Academy, Naval Observatory, and Marine Corps, $4,433,945, and the amounts herein appropriated for public works, except for the Naval Observatory and for repairs and preservation at navy yards and stations, shall be available until expended.

Mr. SISSON. Mr. Chairman, I reserve a point of order on the paragraph.

The CHAIRMAN. The gentleman from Mississippi [Mr. SISSON] reserves a point of order on the paragraph.

Mr. SISSON. Mr. Chairman, I reserve a point of order on the language in line 19, page 31, of the bill, down to and including line 22, reading, "and the amounts herein appropriated for public works, except for the Naval Observatory and for repairs and preservation at navy yards and stations, shall be available until expended."

Mr. PADGETT. Not all of it?

Mr. SISSON. I say, except those items that are excepted in the language.

Mr. PADGETT. That is, except the Naval Observatory and repairs and preservation at navy yards and naval stations—those works that were discussed by the gentleman from Illinois [Mr. MANN] and others this morning, with reference to contracts.

Mr. SISSON. Why is it that gentlemen on some of these specific items provide that the item shall not be available until expended, and then put the "shotgun clause" in it?

Mr. MANN. I do not think that is the case under the head of "Public works."

Mr. SISSON. Is this usual to carry this in all the bills? Is this the first time it has been done?

Mr. PADGETT. It is put in the bill this time for the first time, on account of a ruling made by the comptroller and on account of a provision in the legislative act of last year, requiring that all appropriations should be considered as annual unless they were excepted in the act carrying them, or in the legislative act.

Now, then, with reference to these particular ones, where they are of such a character as that, a contract can not be made and performed within a year; we are providing here so that there may be no quibble or misunderstanding about it. It is along the line in which they have been treated heretofore; but this is required, as I say, because of the provisions of that act.

Mr. SISSON. The gentleman will recall that there has been a great deal of controversy between the departments and various committees as to making these appropriations, when once made, available until used. It has caused quite a good deal of trouble, because Congress can not keep up with an appropriation that lies out from year to year. You can not tell what the balances are. It is utterly impossible to tell how much money has been expended unless you go up to the Secretary of the Treasury and get the vouchers. But where the money is covered back into the Treasury that is not the case, and in such cases these people have to come back to Congress and ask for a further appropriation—these people who are doing this work—and they have to get an authorization to continue. I think it is a very bad practice to make appropriations available until expended.

Mr. PADGETT. I am in full sympathy with the gentleman as to general legislation, but there are exceptions, as he can realize, in work of this nature, and the gentleman will notice here that in this provision we except those items and those appropriations which can be and are properly annual, and we limit the exception to those where the nature and the character of the work are such that the money available must necessarily extend beyond the time.

Mr. SISSON. There are many items in the bill, and it would take quite a good deal of time to go back over each item and compare them.

Mr. MANN. After all, if the gentleman will permit, the language is "Total public works," and so forth, and that looks as if it were all the public works provided in the bill. But there is a heading on page 23 that covers public works under the Bureau of Yards and Docks.

Mr. SISSON. It includes everything down to that item at the bottom of page 31?

Mr. MANN. Navy yards, naval stations, proving grounds, magazines, and so forth; from that down to this. But it does not include those other items that we were discussing this morning.

Mr. SISSON. Can the chairman of the committee give me any idea as to how much is exempt in this proviso and how much will be exempted from the general law passed last year?

Mr. PADGETT. The total amount here.

Mr. SISSON. I understand that; but what part of this appropriation? How many million dollars can they use without turning it back into the Treasury?

Mr. PADGETT. Eight hundred thousand dollars, the item right above there, would be excepted. That would be annual.

Mr. MANN. That is the only one besides the Naval Observatory.

Mr. SISSON. In other words, there would be something like three and one-half million dollars of this appropriation for public works that would be exempt from that provision in the legislative act?

Mr. PADGETT. Something between three millions and three and one-half million dollars.

Mr. SISSON. Mr. Chairman, I reluctantly withdraw the point of order, owing to the insistence of the chairman of the committee that it be permitted to remain in the bill, in order to see how it works.

Mr. PADGETT. Mr. Chairman, I wish to ask permission that the Clerk may change the totals in the bill. That is customary.

The CHAIRMAN. Without objection, that will be done.

There was no objection.

Mr. SAMUEL W. SMITH. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

The Clerk read as follows:

BUREAU OF MEDICINE AND SURGERY.

Medical Department: For surgeons' necessaries for vessels in commission, navy yards, naval stations, Marine Corps, and for the civil establishment at the several naval hospitals, navy yards, naval medical supply depots, Naval Medical School, Washington, and Naval Academy, $510,000.

Mr. SISSON. Mr. Chairman, I notice there is quite an increase in this item. Can the gentleman tell me why this is increased from $430,000 to $510,000?

Mr. PADGETT. Last year we authorized 4,000 additional men and 400 marines. They have to be looked after and medicine provided for them, and other items. Here is the testimony of Dr. Stokes, the Surgeon General. We went into it very thoroughly.

Mr. SISSON. Did you give him what he asked for?

Mr. PADGETT. He asked for $510,000 and we gave him $510,000. He has had no increase for quite a while. He says that in 1912 there was an appropriation of $460,000, and last year we reduced it to $430,000.

Mr. SISSON. Did they have a deficiency?

Mr. PADGETT. No; he had no deficiency, but he said he had to deny them many things that should have been done.

Mr. SISSON. I will state to the gentleman that in an item of this kind I do not object myself personally to the committee being rather liberal, because in questions of medicine and treatment of the sick we ought not to be too close.

Mr. PADGETT. We went into it carefully, and very much in detail.

Mr. SISSON. This is an $80,000 increase.

Mr. PADGETT. Really it is only a $50,000 increase, because last year we reduced it.

Mr. RODDENBERY. Mr. Chairman, I make the point of order that no quorum is present.

The CHAIRMAN. The gentleman from Georgia makes the point of order that no quorum is present. The Chair will count. [After counting.] Sixty-two gentlemen are present; not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Ames	Anthony	Barchfeld	Berger
Anderson	Ashbrook	Barnhart	Borland
Andrus	Austin	Bartholdt	Bradley
Ansberry	Ayres	Bates	Brantley

Broussard	George	Lever	Rees
Brown	Gill	Lewis	Reyburn
Bulkley	Gillett	Lindsay	Richardson
Burgess	Glass	Linthicum	Roberts, Nev.
Burke, Pa.	Godwin, N. C.	Littleton	Rothermel
Burke, S. Dak.	Goeke	Lobeck	Rucker, Colo.
Burleson	Good	Longworth	Rucker, Mo.
Byrnes, S. C.	Gould	Loud	Sabath
Byrns, Tenn.	Graham	McCall	Saunders
Callaway	Green, Iowa	McDermott	Scully
Campbell	Greene, Mass.	McGillicuddy	Sherley
Carlin	Gregg, Pa.	McGuire, Okla.	Simmons
Carter	Gudger	McKellar	Sims
Clayton	Hamilton, Mich.	McKinley	Slayden
Conry	Hamilton, W. Va.	McKinney	Slemp
Cooper	Hammond	McLaughlin	Sloan
Copley	Hardwick	McMorran	Small
Covington	Hardy	Martin, Colo.	Smith, J. M. C.
Crago	Harris	Mays	Smith, Tex.
Cravens	Harrison, N. Y.	Merritt	Speer
Crumpacker	Hartman	Miller	Stack
Currier	Hayes	Mondell	Stanley
Curry, N. Mex.	Heald	Moon, Pa.	Stedman
Dalzell	Helgesen	Moon, Tenn.	Steenerson
Danforth	Henry, Conn.	Moore, Tex.	Stephens, Nebr.
Davenport	Henry, Tex.	Morgan, La.	Stephens, Tex.
Davidson	Higgins	Morgan, Okla.	Stevens, Minn.
Davis, Minn.	Hill	Morrison	Sweet
Davis, W. Va.	Hobson	Morse	Switzer
De Forest	Houston	Mott	Taggart
Dent	Howard	Murdock	Talbott, Md.
Denver	Howell	Needham	Talcott, N. Y.
Dickson, Miss.	Howland	Norris	Taylor, Ala.
Difenderfer	Hughes, Ga.	Nye	Taylor, Ohio
Dixon, Ind.	Hughes, W. Va.	Olmsted	Thayer
Dodds	Hull	O'Shaunessy	Tilson
Doremus	Humphrey, Wash.	Page	Towner
Draper	Humphreys, Miss.	Palmer	Townsend
Driscoll, M. E.	James	Parran	Tribble
Dupré	Johnson, Ky.	Patten, N. Y.	Underhill
Dwight	Johnson, S. C.	Payne	Vare
Dyer	Kahn	Pepper	Volstead
Ellerbe	Kendall	Peters	Vreeland
Evans	Kent	Pickett	Webb
Fairchild	Kindred	Post	Weeks
Faison	Kinkead, N. J.	Pou	Whitacre
Ferris	Konig	Pray	White
Finley	Korbly	Prince	Wilder
Focht	Lafean	Prouty	Wilson, Ill.
Fordney	Lafferty	Pujo	Wilson, N. Y.
Fornes	Langham	Randell, Tex.	Wood, N. J.
French	Langley	Ransdell, La.	Woods, Iowa
Fuller	Lawrence	Rauch	Young, Kans.
Gardner, Mass.	Lee, Ga.	Redfield	Young, Tex.

The committee rose; and the Speaker having resumed the chair, Mr. ALEXANDER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee finding itself without a quorum he had directed the roll to be called, that 150 Members had answered to their names, a quorum, and he reported the names of the absentees.

Mr. RODDENBERY. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The Chair will ask the gentleman to withhold that for a moment or two, because there is a message from the President here that he would like to lay before the House.

Mr. MANN. I do not see how the Chair can do that under the rule.

The SPEAKER. The gentleman from Illinois is correct.

Mr. RODDENBERY. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The Chair would like to lay the message before the House, if it were possible.

Mr. MANN. Mr. Speaker, I think it is not advisable to go any further than we did the other day, after what the Speaker said. I think probably that was not advisable, although I was the one who broke the rule.

The SPEAKER. The gentleman from Illinois is correct. The question is on the motion of the gentleman from Georgia, that the House do now adjourn.

The question was taken; and on a division (demanded by Mr. RODDENBERY) there were—ayes 8, noes 87.

Mr. RODDENBERY. Mr. Speaker, I make the point of order that there is no quorum present.

Mr. MANN. Mr. Speaker, it does not require a quorum to automatically go back into the committee.

Mr. RODDENBERY. But we are in the House, and I make the point of order that a quorum of the House is not present.

The SPEAKER. When the committee rises, upon the failure of a quorum, and it turns out on the roll call that there is a quorum of the committee present, the House automatically goes back into committee.

Mr. RODDENBERY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RODDENBERY. If the motion be made that the House do now adjourn, and on a division it appear that a quorum of the House is not present, and a point of no quorum is raised, does it not require a quorum to be present?

Mr. MANN. Oh, no.

The SPEAKER. The Chair thinks that really he ought not to have recognized the gentleman to make the motion to adjourn; but he is not passing upon that now.

Mr. MANN. I think the motion to adjourn was in order.

The SPEAKER. The motion to adjourn is rejected, and the committee will resume its sitting.

The committee resumed its sitting.

The Clerk read as follows:

Section 4810 of the Revised Statutes of the United States is hereby amended so as to read as follows:

"SEC. 4810. The Secretary of the Navy shall procure at suitable places proper sites for Navy hospitals, and if the necessary buildings are not procured with the site shall cause such to be erected, having due regard to economy, and giving preference to such plans as with most convenience and least cost will admit of subsequent additions when the funds permit and circumstances require, and shall provide at one of the establishments a permanent asylum for disabled and decrepit Navy officers, seamen, and marines: *Provided*, That hereafter no sites shall be procured or hospital buildings erected or extensions to existing hospitals made until after Congress shall have approved estimates therefor regularly submitted to Congress through the Treasury Department."

Mr. MANN. Mr. Chairman, I reserve the point of order on the paragraph. This provision, which is a proposed amendment to the law, provides that no sites shall be procured for hospital buildings erected or extensions to existing hospitals made until after Congress shall have approved estimates therefor, regularly submitted to the Congress through the Treasury Department. I would like to inquire what is the process by which Congress approves an estimate? I never have heard of that method of procedure during my service in the House.

Mr. ROBERTS of Massachusetts. Mr. Chairman, it seems to me that we are approving estimates in every appropriation bill.

Mr. MANN. We are not. We are appropriating money, following the estimates.

Mr. ROBERTS of Massachusetts. That is approving the estimates.

Mr. MANN. I think not.

Mr. ROBERTS of Massachusetts. The purpose of the amendment is to prevent a practice which has grown up with regard to this naval hospital fund in years past. When the present Surgeon General of the Navy came into office he found the naval hospital fund overobligated $1,800,000 by his predecessors.

Mr. MANN. I am not raising any question in regard to that. I want to know what the meaning of the language is that the gentleman is seeking to use. How will we approve the estimates?

Mr. PADGETT. This money is not appropriated, because it is not in the Treasury. This is a separate fund. It is a fund contributed by the sailors and officers of 20 cents each a month, known as the hospital fund.

Mr. MANN. What will be the basis by which you will have Congress approve these estimates?

Mr. ROBERTS of Massachusetts. A provision in the naval appropriation bill authorizing the Secretary to carry out the plans and propositions through estimates sent up for approval.

Mr. MANN. If the gentleman wants to do that, it will be easy to say hereafter no site shall be secured or hospital buildings erected or extension to existing hospitals made until hereafter authorized by Congress. That is a simple proposition.

Mr. ROBERTS of Massachusetts. I would suggest that as an amendment, then. The only object is to compel the Navy Department to advise Congress before they establish new hospitals.

Mr. MANN. Well, I have no objection to that, but the gentleman can see that we have no process by which we approve estimates.

Mr. ROBERTS of Massachusetts. I will offer the language the gentleman gives as an amendment. We have no pride of diction in the make-up of this appropriation.

Mr. MANN. I understand; I am not criticizing the committee. I will withdraw the point of order.

Mr. SISSON. Mr. Chairman, I renew the point of order. I make the point of order against that.

Mr. ROBERTS of Massachusetts. Will the gentleman reserve the point of order?

Mr. SISSON. I will.

Mr. ROBERTS of Massachusetts. For an explanation.

Mr. SISSON. I will hear the gentleman.

Mr. ROBERTS of Massachusetts. Mr. Chairman, this naval hospital fund was provided by an act passed prior to 1811, which deducted from the pay of every officer and enlisted man in the Navy and Marine Corps 20 cents per month to be placed in that fund. In 1811 the Secretary of the Navy was made the trustee of that fund, and he was given power to secure sites and erect buildings for hospital purposes. The 20 cents per month was substantially retained to provide the land and the hospitals and the maintenance of those hospitals wherein the

officers and enlisted men of the Navy and Marine Corps should be treated free of expense. At the present time the fund amounts to something over $1,000,000 a year. It is not wholly made up now from the 20 cents per month deducted from pay, because some 8 or 10 years ago by an act of Congress the fines and forfeitures imposed upon officers and enlisted men in the Navy and Marine Corps were added to this fund. Now, at that time the fund was running something like $200,000 a year and the fines and forfeitures make that fund a little over a million dollars a year. That million dollars, under the terms of the law creating the fund, must be devoted to the maintenance of these hospitals, and if there is any money left it might then be used for extensions or additional hospitals, but, beginning in 1883, and I do not know how much further back, Congress appropriated in that year $30,000 under the head "Naval hospital fund" for the maintenance and repair of those hospitals which were supposed to be maintained out of this naval fund, and at the same time they were given $15,000 a year for repairs. Now, that went on, and in 1885 we dropped to $15,000 for the hospital fund and $2,500 for repairs, and in——

Mr. SISSON. Has the gentleman the original statute?

Mr. ROBERTS of Massachusetts. It is quoted in the first part of the section under consideration.

Mr. SISSON. The proviso is the only new provision in the bill.

Mr. ROBERTS of Massachusetts. Yes. Now, beginning in 1885, they went back to $30,000 for maintenance and $10,000 and $15,000—and in 1885, $20,000—for repairs, and this is in addition to the naval fund that was coming in.

Mr. SISSON. Mr. Chairman, I do not care, unless the gentleman cares to speak further——

Mr. ROBERTS of Massachusetts. If the gentleman will pardon me for a moment, I want to give some details.

Mr. SISSON. I will withdraw the point of order.

Mr. MANN. Mr. Chairman, I move to strike out all of lines 18 and 19, and strike out the words "until after," in line 17, and insert in lieu thereof "unless hereafter authorized by," and I would ask the Clerk to report it as it would read after he reports the amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 32, strike out all of lines 18 and 19. In line 17 strike out the words "until after" and insert in lieu thereof "unless hereafter authorized by," so that it will read: "Buildings erected or extensions to existing hospitals made unless hereafter authorized by Congress."

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

The Clerk read as follows:

Contingent, Bureau of Medicine and Surgery: For tolls and ferriages; care, transportation, and burial of the dead; purchase of books and stationery, binding of medical records, unbound books, and pamphlets; hygienic and sanitary investigation and illustration; sanitary and hygienic instruction; purchase and repairs of wagons, automobile ambulances, and harness; purchase of and feed for horses and cows; trees, plants, garden tools, and seeds; incidental articles for the Naval Medical School and naval dispensary, Washington; rent of rooms for naval dispensary, Washington, D. C., not to exceed $1,200; naval medical supply depots, sick quarters at Naval Academy and marine barracks; washing for medical department at Naval Medical School and naval dispensary, Washington; naval medical supply depots, sick quarters at Naval Academy and marine barracks, dispensaries at navy yards and naval stations, and ships; and for minor repairs on buildings and grounds of the United States Naval Medical School and naval medical supply depots; for the care, maintenance, and treatment of the insane of the Navy and Marine Corps on the Pacific coast; for dental outfits and dental material, not to exceed $38,000, and all other necessary contingent expenses; in all, $142,000.

Mr. SISSON. Mr. Chairman, I want to ask the chairman of the committee one question. I notice an appropriation of $38,000 for the care of outfits this year that you did not have to care for in the last appropriation.

Mr. PADGETT. Last year we appropriated $97,000. This year there is an addition of $7,000, the general expense incident to the 4,400 men, for dental outfits not provided by the act of 1913. Then the $7,000, and then the appropriation of last year for the previous expenses, makes $142,000.

Mr. COX. Last year did you not appropriate $14,000 for the dental outfit?

Mr. PADGETT. No, sir. You see, we increased the dental corps last year.

Mr. COX. Did you appropriate anything last year for dental outfit?

Mr. PADGETT. We established last year the dental corps, but only appropriated——

Mr. COX. How much was that?

Mr. PADGETT. I think it was $15,000. That is my recollection, and this $15,000 is for the full dental corps, making $30,000.

Mr. COX. As I understand, the $15,000 apropriated last year was for one-half the corps and this year it is for the full corps?

Mr. PADGETT. Yes; and that $15,000 was embraced in the $97,000.

Mr. COX. What does the gentleman have to say in regard to the trees, plants, and seeds, and things like that?

Mr. PADGETT. They are around the hospital grounds.

Mr. COX. Do we do any gardening there?

Mr. PADGETT. I reckon not. They plant flowers for these sick soldiers and look after some shade trees and the grass.

Mr. COX. How many cows do they maintain there?

Mr. PADGETT. I do not know. But this is for the purchase of feed for the horses and cows. I do not know how many they have. It is an item that has run time out of mind in the bill.

Mr. MANN. Mr. Chairman, to correct a typographical error, I move to insert the word "and" in line 1, before the word "cows."

The CHAIRMAN. Without objection, the amendment will be agreed to.

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

BUREAU OF SUPPLIES AND ACCOUNTS.

Provisions, Navy: For provisions and commuted rations for the seamen and marines, which commuted rations may be paid to caterers of messes, in case of death or desertion, upon orders of the commanding officers, commuted rations for officers on sea duty (other than commissioned officers of the line, Medical and Pay Corps, chaplains, chief boatswains, chief gunners, chief carpenters, chief machinists, and chief sailmakers) and midshipmen, and commuted rations stopped on account of sick in hospital and credited to the naval hospital fund; subsistence of officers and men unavoidably detained or absent from vessels to which attached under orders (during which subsistence rations to be stopped on board ship and no credit for commutation therefor to be given); and for subsistence of female nurses, and Navy and Marine Corps general courts-martial prisoners undergoing imprisonment with sentences of dishonorable discharge from the service at the expiration of such confinement: *Provided*, That the Secretary of the Navy is authorized to commute rations for such general courts-martial prisoners in such amounts as seem to him proper, which may vary in accordance with the location of the naval prison, but which shall in no case exceed 30 cents per diem for each ration so commuted, and for the purchase of United States Army emergency rations as required; in all, $7,593,441.75, to be available until the close of the fiscal year ending June 30, 1915.

Mr. SISSON. Mr. Chairman, I reserve a point of order on the paragraph. First, I want to know why the change is made in this legislation?

Mr. PADGETT. I will call to the attention of the gentleman that there is really no change. It is simply a readjustment of the language. Under the old law, under the head "Provisions, Navy," was embraced both the item of provision and payment of maintenance, and then the other section was "contingent," and under "contingent" it ceased to be contingent and got to be maintenance, and was carrying maintenance under the head of "contingent." We struck out the word "contingent" and put in what it is, namely, "maintenance," and we took out the language which applies to maintenance, that was under "provisions," and transposed it under "maintenance," so that the substance is the same and the appropriation is the same.

Mr. SISSON. You make this appropriation available until 1915?

Mr. PADGETT. That is new language. I was going to call attention to that.

Mr. SISSON. Where are you going to make provisions for the Navy, which is, I presume, a one-year appropriation? This is not intended to feed the Navy for longer than 12 months, is it?

Mr. PADGETT. No. The Paymaster General, though, stated this: That a great many items are provisions which he necessarily has to buy in large quantities and by contract and put in cold storage when delivered; that he makes his contracts for them before the termination of the fiscal year, but they are not delivered until after the end of the fiscal year. For instance, he will make a contract for butter in large quantities for the ensuing year and he makes that contract in this year, but it is not delivered and completed so that he can make his payment until after the 30th of June. He wanted it extended in such a way as to make it good for the second year.

Mr. MANN. Mr. Chairman, will the gentleman yield for a question?

Mr. SISSON. One moment. They are always making excuses of that character to get these appropriations extended. That does not seem to me to be a sufficient reason at all.

Mr. MANN. Is it not a fact that if he makes a contract for butter and it is delivered before the 30th day of June, it can be paid for at any time in the year following, under the existing law?

Mr. PADGETT. He says it can not be done until afterwards.

Mr. MANN. Then it has no business to be charged to the appropriation of that fiscal year, because he has another appropriation bill for the next fiscal year.

Mr. SISSON. Mr. Chairman, of course I can not tell, not having the original language before me, what changes have actually been made in the entire section.

Mr. PADGETT. If the gentleman will get the law of last year, he will find that the language is the same, except some items are transferred from one to the other.

Mr. MANN. I can tell the gentleman. If he will take the language on page 35, line 11, "labor in general storehouses," down to the end of the paragraph, that language, or practically the same language, was included last year in the provision following the word "commuted" in line 26 of page 34.

Mr. SISSON. Then the language is practically the same, except that that clause is transposed?

Mr. MANN. Yes; transposed from one to the other.

Mr. SISSON. Mr. Chairman, I have no disposition to make a point of order against the entire paragraph, but I do make the point of order against the language on page 35, in line 2, beginning with "to be available" and concluding with "1915," in line 3. I make the point of order against that language, "to be immediately available until the close of the fiscal year ending June 30, 1915."

Mr. PADGETT. That is subject to a point of order.

Mr. SISSON. All after the amount, "$7,593,441.75."

The CHAIRMAN. The point of order is sustained. The Clerk will read.

The Clerk read as follows:

BUREAU OF CONSTRUCTION AND REPAIR.

Construction and repair of vessels: For preservation and completion of vessels on the stocks and in ordinary; purchase of materials and stores of all kinds; steam steerers, pneumatic steerers, steam capstans, steam windlasses, aeroplanes, and all other auxiliaries; labor in navy yards and on foreign stations; purchase of machinery and tools for use in shops; carrying on work of experimental model tank; designing naval vessels; construction and repair of yard craft, lighters, and barges; wear, tear, and repair of vessels afloat; general care, increase, and protection of the Navy in the line of construction and repair; incidental expenses for vessels and navy yards, inspectors' offices, such as photographing, books, professional magazines, plans, stationery, and intruments for drafting room, and for pay of classified force under the bureau, $8,250,000: *Provided*, That no part of this sum shall be applied to the repair of any wooden ship when the estimated cost of such repairs, to be appraised by a competent board of naval officers, shall exceed 10 per cent of the estimated cost, appraised in like manner, of a new ship of the same size and like material: *Provided further*, That no part of this sum shall be applied to the repair of any other ship when the estimated cost of such repairs, to be appraised by a competent board of naval officers, shall exceed 20 per cent of the estimated cost, appraised in like manner, of a new ship of the same size and like material: *Provided further*, That nothing herein contained shall deprive the Secretary of the Navy of the authority to order repairs of ships damaged in foreign waters or on the high seas, so far as may be necessary to bring them home. And the Secretary of the Navy is hereby authorized to make expenditures from appropriate funds under the various bureaus for repairs and changes on the vessels herein named, in an amount not to exceed the sum specified for each vessel, respectively, as follows: North Dakota, $250,000; Minnesota, $250,000; submarine C–1, $100,000; submarine C–2, $100,000; submarine C–3, $100,000; submarine C–4, $100,000; submarine C–5, $100,000; submarine D–1, $100,000; submarine D–2, $100,000; submarine D–3, $100,000; Hannibal, $75,000; Leonidas, $100,000; Justin, $50,000; Nanshan, $75,000; in all, $1,600,000, as per letter of the Secretary of the Navy dated November 19, 1912: *Provided further*, That the sum to be paid out of this appropriation, under the direction of the Secretary of the Navy, for clerical, drafting, inspection, and messenger service in navy yards, naval stations, and offices of superintending naval constructors, for the fiscal year ending June 30, 1914, shall not exceed $858,039.

Wrecking pontoon: For construction or purchase of a testing and wrecking pontoon for submarines, to be available until expended, $300,000.

Mr. MADDEN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Illinois [Mr. MADDEN] moves to strike out the last word.

Mr. MADDEN. I wish to ask the gentleman from Tennessee [Mr. PADGETT] what becomes of the ships where they are not repaired under the provision that reads, "No part of this sum shall be applied to the repair of any wooden ship when the estimated cost of such repairs, to be appraised by a competent board of naval officers, shall exceed 10 per cent," and so forth?

Mr. PADGETT. We come to Congress, just as we do on this bill, and get the authority to make the repairs. That is what this is.

Mr. MADDEN. In the meantime what becomes of the ship?

Mr. PADGETT. It stays in the service. Whenever a ship gets in need of repairs, or whenever it is anticipated that it will need repairs amounting to more than 10 per cent the Secretary submits his estimates under the law, and, if approved, they are incorporated in the bill, as you will find on page 37, where authority is given to make improvements on these ships. That is not an appropriation, however. It is only an authorization to make that improvement out of appropriations elsewhere made.

Mr. MADDEN. In the case of the ships enumerated on page 37, do the figures go above 10 per cent, or 20 per cent, provided on page 36?

Mr. PADGETT. Yes, sir.

Mr. MADDEN. So that where a ship needs repairs amounting to more than 10 per cent in the case of a wooden ship or more than 20 per cent in the case of other ships, that ship is laid up in dock until Congress authorizes an additional appropriation from which it can be repaired? Is that it?

Mr. PADGETT. These repairs are anticipated before it is necessary to get the vessels into commission or to put them into cold storage, as it were.

Mr. MADDEN. What do you mean by "anticipated"?

Mr. PADGETT. They keep them in condition, and they estimate that this ship, in the ordinary course of time, will need repairs. For instance, they say, "This ship in the next fiscal year will need repairs not exceeding this amount."

Mr. MADDEN. Has it not sometimes happened that the Secretary of the Navy has assumed the responsibility of making repairs above the percentage provided for in this bill, without authority from Congress?

Mr. PADGETT. Not that I know of, since the passage of the act six or eight years ago, requiring this procedure.

Mr. SAMUEL W. SMITH. Mr. Chairman, I should like to ask the gentleman from Tennessee a question. In line 9, page 36, it says:

Carrying on work of experimental model tank.

I should like to ask the gentleman to explain what that is.

Mr. PADGETT. The experimental model tank is down here at the Naval Gun Factory at Washington. In preparing the design of every ship, they make a model and test it in that experimental tank, and in that way they can calculate the displacement of the greatest battleships, or any other ships, with great precision.

Mr. SAMUEL W. SMITH. Is there a model tank of this kind at every navy yard?

Mr. PADGETT. No; the only one is here at Washington.

Mr. COX. Mr. Chairman——

Mr. PADGETT. If the gentleman will allow me, I desire to offer an amendment in line 15, page 37, after "$75,000." I send the amendment to the Clerk's desk. It is the authorization for the conversion of a ship.

The Clerk read as follows:

After line 15, page 37, insert: "*Prometheus:* To convert to a repair ship, $350,000."

In line 16, page 37, strike out "$1,600,000" and insert "$1,950,000."

Mr. PADGETT. That is not an increase of appropriation. It is only an increase of authorization.

Mr. MADDEN. I wish to ask the gentleman from Tennessee one more question, in line with the questions I was asking a few moments ago.

Mr. PADGETT. Yes.

Mr. MADDEN. How does anybody know that the repairs to the ship authorized to be repaired in this paragraph can be made within the sum fixed in the paragraph?

Mr. PADGETT. Those matters are estimated by the Chiefs of the Bureau of Construction and Repair and the Bureau of Steam Engineering, after a survey has been made by the inspection officers, who report that the ship is in this condition, with reference to this part and that part, and that it will need such and such repairs, which will cost so much money.

Mr. MADDEN. Is there any man alive who can tell what it will cost to repair the ships before the planks are taken off? Who can tell whether the timbers inside the planks are rotten or sound? And does it not frequently happen that after the ship is stripped it is found that the necessary repairs will cost more than the estimate?

Mr. PADGETT. This is ordinarily not for the outside timbers. This is usually for machinery and internal repairs.

Mr. MADDEN. I understood that this was for repairs of the ship, not of the machinery.

Mr. CALDER. These are steel ships, are they not?

Mr. PADGETT. Most of them.

Mr. MADDEN. Even if they are steel ships nobody can tell how badly the material inside of the outer covering is worn out before the outer covering is taken off.

Mr. PADGETT. Let me give you the estimates here.

Mr. MADDEN. I have had some experience in this kind of thing myself, and I frequently find that it costs about three times as much to do the repairing as it is estimated it will cost.

Mr. PADGETT. They can not go over the authorization.

Mr. MADDEN. Frequently they do not make the necessary repairs if they do not go beyond the estimate.

Mr. COX. They estimate high enough to cover it.

Mr. PADGETT. Take the *North Dakota*. Installation of combined fire control and conning tower and changes in bridge arrangement and structural work in connection with tube hoist.

Mr. MADDEN. Does the gentleman call changes in the bridge system repairs?

Mr. PADGETT. Yes.

Mr. MADDEN. That is a change in the construction, is it not?

Mr. PADGETT. Yes.

Mr. MADDEN. It is not a necessary repair.

Mr. PADGETT. Certainly; it is an improvement and a repair, to keep the ship up to date.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee.

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

Mr. COX. I move to strike out the last word. I want to call the chairman's attention to the word "aeroplanes," in line 6, page 36. Last year there was a limit to that appropriation and the amount which could be expended was $35,000. In this item there is no limit whatever.

Mr. PADGETT. The chief of the bureau and the Secretary in his annual report asked us not to place a limit on it; but they stated that they did not expect to spend exceeding $50,000, even in an emergency.

Mr. COX. How did they get along with the $35,000 last year? Did they expend all of it?

Mr. PADGETT. They said they would, and they felt that that would answer their purpose.

Mr. COX. Without any limitation here it is within the power of the Secretary to spend $100,000 for aeroplanes.

Mr. PADGETT. They might do it, but they have to take care of so many things that they could not dispense with that they would not do it.

Mr. COX. Does the Government construct the aeroplanes or buy them?

Mr. PADGETT. It does both; it constructs the engines and the planes in its experiment stations for trial, and then it purchases a few. I believe that we have about eight.

Mr. COX. What do they cost apiece?

Mr. PADGETT. About six or seven thousand dollars.

Mr. COX. Then the department is both buying and building aeroplanes?

Mr. PADGETT. Yes; but the department is going very slowly and cautiously.

Mr. COX. They are going on a limited scale, both the buying and the building?

Mr. PADGETT. Yes.

Mr. COX. Without any limitation it would be within the power of the Secretary of the Navy to spend any sum that he wished in aeroplanes?

Mr. PADGETT. Yes; if it were available; but the other things they need will not allow them to spend a great deal. But we have not increased the appropriation by virtue of the aeroplanes.

Mr. COX. The sum is increased $50,000.

Mr. PADGETT. No. We cut it down $224,000.

Mr. MADDEN. Will the Members on the Democratic side be kind enough to speak louder, so that we over here on the outskirts can hear?

Mr. PADGETT. We reduced it from $8,479,144 to $8,250,000.

Mr. COX. I wish the gentleman would consent to put a limitation on it.

Mr. SISSON. Mr. Chairman, I would like to ask a question right there. Eight million two hundred and fifty thousand dollars is appropriated. Of course it would be an absurd thing for the Secretary of the Navy to do, but legally he could expend the whole $8,250,000 for aeroplanes and violate no law.

Mr. PADGETT. Yes; but he would not discharge his duty in taking care of the other things.

Mr. SISSON. That would be true; but, to make the thing absurd, he could do it without a violation of law. Does the gentleman believe he should leave it to the Navy Department to expend as much as they please for aeroplanes? It goes further to enforce what I said yesterday that these items ought to be itemized more specifically.

Mr. PADGETT. The same suggestion that the gentleman from Mississippi makes as to aeroplanes applies to every other thing mentioned in this item. The Secretary and chief or superintendent of aeroplanes all insist that they shall go slow, and said to the committee that they would go slow.

Mr. SISSON. How much did they ask for?

Mr. PADGETT. They did not ask for any specified amount.

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

Mr. MADDEN. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. MADDEN. What is before the House?

The CHAIRMAN. The gentleman from Indiana moved to strike out the last word.

Mr. MADDEN. I thought it was the gentleman from Indiana before the House. I did not hear anything else.

Mr. PADGETT. I do not think there is any necessity for fixing it. I did last year, on my own motion, put in the $35,000.

Mr. COX. Why does not the gentleman feel that $35,000 ought to go in there now?

Mr. PADGETT. I think it ought to be a little more this year.

Mr. COX. How much does the gentleman think it ought to be?

Mr. PADGETT. They say it would not exceed $50,000.

Mr. COX. Does the gentleman agree with them all of the time?

Mr. PADGETT. No; I did not last year, because I insisted that it should be limited, but after I had looked into the matter and saw how cautious they were and that they rather had to be goaded on instead of held back, I did not think it was necessary to single out that item.

The Clerk read as follows:

Wrecking pontoon: For construction or purchase of a testing and wrecking pontoon for submarines, to be available until expended, $300,000.

Mr. HENSLEY. Mr. Chairman, I make the point of order on that.

Mr. PADGETT. Mr. Chairman, I will ask the gentleman not to do that.

Mr. HENSLEY. I reserve the point of order for an explanation.

Mr. PADGETT. Mr. Chairman, the department asked for two of these wrecking pontoons, and we gave them only one this year. Under the present method of contracting in the construction of submarines they are required to be tested, and they are sent out to deep water and submerged to a depth of 200 feet. It was shown that it often costs from $10,000 to $20,000 to make these tests. That is such an item of expense that it is always added in the contract bid and the price. If we could have these pontoons we could make the test, instead of going down 200 feet. They would be subjected to the same water pressure in the pontoon at a nominal cost, and, of course, we could then get the benefit of that reduction in the purchase price of the submarines.

Mr. HENSLEY. This is a new item?

Mr. PADGETT. Yes. Then, another thing, it serves for docking. Instead of the little submarine being taken into a big dock and having to be pumped out, and handled with expensive machinery, it could be put into this pontoon and docked at a nominal cost. Then the pontoon could be used for wrecking purposes. If for any reason a mishap occurred to the submarine and it sank, this pontoon could be used for the purpose of lifting it and restoring it, so that it serves a very valuable purpose, and will be an instrument of great economy and saving hereafter.

Mr. HENSLEY. How did they get along heretofore?

Mr. PADGETT. Just as I have explained; just like the old farmer got along with a scythe blade.

Mr. HENSLEY. Have not they another fund to draw from?

Mr. PADGETT. No; they have not. They have been testing these submarines by actually sending them out to 200 feet depth of water and sinking them 200 feet deep, to get the water pressure.

Mr. ROBERTS of Massachusetts. Mr. Chairman, this wrecking pontoon I think I can explain. The gentleman asked how the department got along without one of these before. I will say for his benefit, and for the benefit of the committee, that this wrecking pontoon is an entirely new device, a new invention. With the development of submarines this has come about. Until this thing came into existence everybody was in the same position in regard to testing submarines. This is a modern, new invention for subjecting the submarines to these tests that the Government demands, and the cost of conducting which is always included in the price of the boat.

Mr. CURLEY. Mr. Chairman, I would like to ask the chairman a question and that is—if any of these testing and wrecking pontoons are now in use in any of the continental navies?

Mr. ROBERTS of Massachusetts. They are.

Mr. PADGETT. I understand they have some in the Italian navy.

Mr. CURLEY. And we have none in the American Navy?

Mr. PADGETT. No.

Mr. CURLEY. How many submarines have we?

Mr. PADGETT. I think we have forty and odd completed; and completed, building, and authorized, 63.

Mr. ROBERTS of Massachusetts. Mr. Chairman, I think the gentleman is mistaken in the number of submarines. There are 47 submarines building and built.

Mr. MANN. Mr. Chairman, will the gentleman from Massachusetts yield?

Mr. ROBERTS of Massachusetts. Yes.

Mr. MANN. How much royalty do we pay for this patented device?

Mr. ROBERTS of Massachusetts. There is no evidence before the committee that we are to pay any royalty.

Mr. MANN. But it is perfectly safe to say that if it is a patented device we will have to pay royalty.

Mr. ROBERTS of Massachusetts. This provides for the construction of the apparatus——

Mr. MANN. But there must be royalty paid for constructing them.

Mr. ROBERTS of Massachusetts. There may and there may not.

Mr. MANN. Oh, we know that if it is a patented device we will have to pay royalty.

Mr. ROBERTS of Massachusetts. There has been no evidence before the committee as to royalty.

Mr. MANN. They ought to have had evidence before the committee, because if they propose to construct a patented device we will have to pay the patentee for the privilege.

Mr. ROBERTS of Massachusetts. If it is patented in this country; yes.

Mr. MANN. Well, the gentleman stated it is a patented device. Then it is perfectly safe to say it is patented in this country, if it is patented anywhere, and I think we ought to know how much of this amount is to pay for the cost of the work and how much for the profit to the inventor. A naval officer, was it?

Mr. ROBERTS of Massachusetts. I do not know; some one suggested it was a naval officer.

Mr. SAMUEL W. SMITH. I asked the question whether it was patented by a naval officer.

Mr. ROBERTS of Massachusetts. Then we would not have to pay.

Mr. MANN. Why not?

Mr. ROBERTS of Massachusetts. It is a provision of law, a Navy Department regulation.

Mr. MANN. I have not discovered that law yet.

Mr. HENSLEY. Mr. Chairman, I make the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. RAKER. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment:

The Clerk read as follows:

Insert at the end of line 23, page 37, the following as a new paragraph:

"That the U. S. S. *Portsmouth* be, and hereby is, transferred to the State of California, upon condition that the said State of California, by and through its governor, accepts said vessel, U. S. S. *Portsmouth*, for said State, after having been first duly authorized by the Legislature of said State of California, and upon the further condition that said vessel remain the property of said State, to be preserved and cared for by the said State of California at its own cost and expense."

Mr. FOSTER. Mr. Chairman, I make a point of order.

Mr. MANN. Mr. Chairman, I reserve a point of order. I desire to ask the gentleman if this matter has been called to the attention of any committee of the House?

Mr. RAKER. That is what I want to explain. I am offering this at the suggestion of the chairman of the Committee on Naval Affairs.

Mr. MANN. Was it called to the attention of the Committee on Naval Affairs?

Mr. RAKER. It was taken up in a hearing on the matter.

Mr. MANN. Then why have they not reported a bill?

Mr. RAKER. They conceived it not necessary to do it.

Mr. MANN. We differ about that.

Mr. ROBERTS of Massachusetts. Mr. Chairman, I think I can throw some light on that. The proposition when it first came before the committee was for the Government to fit this vessel up at an expense of about $100,000 and take it around to San Francisco and give it either to the city or the State. A suggestion was made to the gentleman from California, who has just made the motion, that, so far as donating it was concerned, we would look with favor upon the proposition to give the vessel where she now lies to the State if the State would take her away, and the gentleman informed the members of the committee he would communicate with the officials of the State of California and see if that proposition met with their favor. Before he got a reply the naval bill was framed and reported, and that is one reason at least why the committee took no action about putting a similar item in our bill.

Mr. MANN. I suppose this vessel has been the property of the Government of the United States for many years?

Mr. ROBERTS of Massachusetts. I will say that this is an old vessel, and if not given to California it will be sold and bought by somebody for the old junk in her. She is a very old vessel and has been used as a receiving ship.

Mr. MANN. I think we have the right to have these matters brought before the House in a proper way.

Mr. RAKER. I want to say to the gentleman the matter has been before the House and in the Senate——

Mr. MANN. Where has it been brought before the House?

Mr. RAKER. I will answer the inquiry as soon as I get an opportunity.

Mr. ROBERTS of Massachusetts. She was a vessel that was used when the Navy went around to the Pacific coast, at the time we acquired California from the Mexicans. She is a vessel apparently 60 or 70, or more, years old now.

Mr. RAKER. She was built in 1843.

Mr. KAHN. The sloop of war *Portsmouth* is the vessel that sailed into San Francisco Bay on the 6th of July, 1846, and her commander, John B. Montgomery, raised the American flag and took possession of California in the name of the Government of the United States. The flag was raised on the old Spanish plaza in the village of Yerba Buena, and the name of the plaza was changed to "Portsmouth Plaza." It is known as "Portsmouth Plaza" to this day. The officers of the village rechristened the village San Francisco. The Navy Department has been desirous of having the old ship taken to the Bay of San Francisco.

I may say, as a matter of history, that within three days after the *Portsmouth* had sailed into San Francisco Bay a British frigate sailed into that bay and found the United States already in possession of the territory. After remaining two or three days the British frigate sailed away, and it is believed by the officers of the Navy Department that the presence of the *Portsmouth* in the Bay of San Francisco three or four days before the British frigate arrived resulted in the elimination of any complications that might have ensued if the British frigate had arrived first. [Applause.]

Mr. MANN. They will have to revise their history, I think, for they have not any basis for such belief.

Mr. KAHN. They have records, which I saw myself, indicating that that is a fact. They showed them to me. I was at the department and took the matter up a year or so ago. The Senate has already passed a bill to allow the ship to be taken around Cape Horn to San Francisco.

Mr. MANN. At whose expense?

Mr. KAHN. I think it was at the expense of the Government.

Mr. MANN. That is it, and that is what is intended to be done here now.

Mr. ROBERTS of Massachusetts. Oh, no.

Mr. KAHN. The gentleman will find that this amendment is different.

Mr. MANN. Of course, not here, but the Senate has passed a bill to do so and so, and the item is proposed to be inserted here. It looks harmless, but it is inserted with the knowledge that it will be changed in the Senate.

Mr. KAHN. Has the gentleman any knowledge that it will be changed in the Senate? There is no disposition on the part of any gentleman from California, that I know of, to change it in the Senate.

Mr. MANN. There is not any intention on the part of any gentlemen from California here to change it in the Senate, although they would like to have that privilege.

The CHAIRMAN. The time of the gentleman from California [Mr. RAKER] has expired.

Mr. RAKER. I have not had an opportunity to say a word on this matter. [Laughter.]

Mr. SISSON. Mr. Chairman, I ask unanimous consent that the gentleman from California have five minutes. They took his time all away from him.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. RAKER. Mr. Chairman, I want to say to the gentleman from Illinois and to other members of the committee that a bill providing for the repair of the *Portsmouth* passed the Senate, making an appropriation to repair to the extent of $25,000. I was corresponded with, and the other gentlemen from California as well, in regard to the matter, and a bill introduced and the matter taken up before the committee. When the matter was taken up before the committee I called the committee's attention to the reasons the Navy had for this, which are as follows:

The custom of selling unserviceable vessels will before long dispose of the *Constellation, Portsmouth, Hartford,* and *Olympia,* unless their

preservation be specially authorized. Some of these vessels could be preserved almost indefinitely with a small expenditure for occasional repairs, and their names would be a constant inspiration to the Navy and to the country at large to live up to their noble traditions.

I want to read now the statement of the department in regard to the bill for the repair of this vessel that has been sent to this committee, dated April 2, 1912, and is in the closing of the report of the Secretary:

If in place of this provision one could be inserted which would transfer the vessel to the State of California outright, it would probably best meet the demands of California and the wishes of this department.

After this letter was presented to this committee it was taken up directly with the Legislature of California, and I hold before me a copy of the proceedings wherein the resolution was passed unanimously taking the vessel over in response to the Secretary and to the suggestion of the committee.

A bill is now pending in the legislature to provide means by which this historic vessel may be taken over by the State of California, and be provided for and stationed in the State of California at its expense, because of its historic nature, which will be found in part on page 353 of the report, as follows:

First cruise, 1844–1848, in the Pacific under command of Commander J. B. Montgomery, squadron of Commodore J. D. Sloat. Took a prominent part in the operations on the coast of California during the War with Mexico.

June 3, 1846, arrived in the harbor of San Francisco, Cal.

July 5, 1846, landed a party of seamen and marines, under command of Lieut. J. S. Missroon, United States Navy, for the protection of the American consul and citizens at San Francisco. Lieut. H. B. Watson, United States Marine Corps, was in charge of the marines. July 9, 1846, war having been declared between the United States and Mexico, by order of Commodore Sloat a force was landed at Yerba Buena from the *Portsmouth*, which took possession of San Francisco, and at 8 a. m. hoisted the United States flag in front of the customhouse. Detachments of officers and men were sent to hoist the flag at Sutter's Fort, Sausalito, Sonoma, and Bodega.

The record shows that this vessel, whether sailing, steering, working, scudding, lying to, or riding at anchor in a seaway, has one of the best records of any vessel ever built by this Navy, a vessel that by virtue of its being in San Francisco at the proper time made it possible for this country to take the western part of the United States and make California and the West a part of this country.

This amendment provides that the Government shall be at no expense; that, instead of driving this vessel out to sea, with its historic record, which is a page and a half in length here, to be shot to pieces, the State of California can have this vessel and maintain it with the men necessary to man it. California asks this Congress to turn that vessel over to the State in order that she may preserve it for all time at her own expense. That is the recommendation of the department and the recommendation of the committee, and I trust that the Members will not object to this amendment being placed on the bill at this time.

Mr. MADDEN. Does the gentleman state that there will be no expense to the United States Government?

Mr. RAKER. That is the provision of the bill. I put it in for that purpose, and it is my intention and the intention of the legislature, as I gather through correspondence and telegrams, that the Government shall be put to no expense for the maintenance and preservation of this vessel for all time, and unless this act thus provides, the Secretary of the Navy shall not turn it over.

Mr. MADDEN. Will the gentleman state what will happen to this provision when it leaves this body?

Mr. RAKER. So far as I am concerned, I will ask the Senators from my State to urge the Senate to retain this provision, with the proviso that the Government shall be put to no expense.

Mr. BUTLER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BUTLER. I understand that the gentleman from Illinois [Mr. MANN] has reserved a point of order against this amendment?

The CHAIRMAN. Yes.

Mr. BUTLER. I call for the regular order.

Mr. MANN. If the gentleman from California [Mr. RAKER] desires to ask unanimous consent to have his amendment considered later on, with a point of order pending, I shall not object. If the gentleman now desires to ask unanimous consent to have his amendment passed over and taken up later, I have no objection.

Mr. PADGETT. Mr. Chairman, on that I want to make an explanation. If the gentleman from California will make his request for unanimous consent to offer his amendment at a point later on in the bill, I shall not object; but the engrossing clerks are preparing the bill for presentation to the Senate as we pass along through it, and this would interfere with their work. I suggest, therefore, to the gentleman to ask unanimous consent to offer his amendment later on, so as not to compel a return to this place in the bill, and thus not make it necessary for the engrossing clerks to do this work over.

The CHAIRMAN. Is there objection?

Mr. MANN. What is the request, Mr. Chairman?

The CHAIRMAN. The request is that the gentleman from California [Mr. RAKER] be authorized to offer this amendment at some point later on in the bill.

Mr. MANN. I do not make any objection if it is offered subject to the right to make a point of order against it. Otherwise it would not be right.

The CHAIRMAN. It will be subject to a point of order.

Mr. MANN. I understand that the gentleman from California asks leave to withdraw his amendment at this place.

Mr. RAKER. Yes; I ask leave to withdraw it now and offer it later.

The CHAIRMAN. Without objection, that will be done.

There was no objection.

Mr. SHARP. Mr. Chairman, before we proceed to read the next page, I beg the courtesy of the chairman of the committee to permit me the privilege of an interruption for just a moment, so that I can ask unanimous consent to extend my remarks in the RECORD by having printed therein a copy of House joint resolution 402, and a copy of a letter containing an opinion in reference thereto by Gen. Bixby, Chief of Engineers, United States Army; also the approval thereof by the Secretary of War.

I make this request in the interest of a subject which is of vital importance to the people of the entire country, and because of the critical situation in which it may be placed by failure on the part of Congress to take favorable action in the matter. This opinion, coming from the highest source of authority—an expert on such problems—leads me to believe that the urgent need of the prompt enactment of this resolution will appeal to the membership of the House.

Mr. FOSTER. May I inquire of the gentleman what is that resolution?

Mr. SHARP. It is in relation to Niagara Falls.

The CHAIRMAN. The gentleman from Ohio [Mr. SHARP] asks leave to extend his remarks in the RECORD by the insertion of a resolution and certain letters. Is there objection?

There was no objection.

Following are the resolution and letters referred to:

Joint resolution (H. J. Res. 402) extending the operation of the act for the control and regulation of the waters of Niagara River, for the preservation of Niagara Falls, and for other purposes.

Resolved, etc., That the provisions of an act entitled "An act for the control and regulation of the waters of Niagara River, for the preservation of Niagara Falls, and for other purposes," be, and they are hereby, extended and reenacted from March 4, 1913, being the date of the expiration of the operation of said act, to March 4, 1914.

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OFFICE OF CHIEF OF ENGINEERS,
February 21, 1913.

To the SECRETARY OF WAR:

1. Returned.

2. Hon. W. G. SHARP incloses a copy of House joint resolution 402, Sixty-second Congress, third session, to extend the operation of the act for the control and regulation of the waters of Niagara River, for the preservation of Niagara Falls, and for other purposes, and he requests an expression of views in the matter, more particularly in regard to the time of extension.

3. Unless the act in question is extended or replaced by like legislation, the question of control over water diversion and power development at Niagara Falls will be left in a state more or less chaotic. If the act expires by limitation it is probable that all permits granted thereunder will immediately terminate. At any rate, the War Department will find it difficult, if not impossible, to exercise any control over such permits or over the disposition of any unused or unallotted water power; and no executive will be specifically charged with the duty of supervising the use of water for power development on the American side, or the transmission of electrical power from or to Canada.

4. The proposed time of extension is considered judicious.

5. It is therefore the view of this office that if other legislation is not to be enacted on the subject, the proposed resolution should be passed.

W. H. BIXBY,
Chief of Engineers, United States Army.

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WAR DEPARTMENT,
February 24, 1913.

Respectfully returned to Hon. W. G. SHARP, House of Representatives, inviting attention to the foregoing report of the Chief of Engineers, United States Army, in whose views the department concurs.

HENRY L. STIMSON,
Secretary of War.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Improvement of construction plants: For repairs and improvement of machinery and implements at plant at navy yard, Portsmouth, N. H., $10,000.

Mr. SISSON. Mr. Chairman, I do not know what the sentiment of the committee is in reference to this matter, but this is one of the navy yards that were discussed at some length to-day. I make a motion to strike out the paragraph.

Mr. PADGETT. This is not for the improvement of the yard. This is to repair the machinery that is in operation there now.

Mr. SISSON. I understand that; but why is it necessary to do that, if it is in the contemplation of the Navy Department finally to abolish this yard?

Mr. PADGETT. It is a current improvement; keeping up the machinery as we go along.

Mr. SISSON. Why do you want to keep up the machinery if you expect to abandon the yard?

Mr. PADGETT. We do not expect to abandon it that I know of; but, if 10 or 15 years from now we should abandon the yard, we want to keep up the machinery during the next fiscal year so as to go on with the work.

Mr. SISSON. The gentleman, of course, has heard all the discussion to-day, and he knows a great deal more about the intentions of the Navy Department than I do, except what I have gathered from the discussions to-day; but does the gentleman believe that it is not possible for Congress now to abolish some of these navy yards?

Mr. PADGETT. It may do it. I do not know; but it is not going to do it this year.

Mr. SISSON. Does not the gentleman believe this to be one of the yards that would be abolished?

Mr. PADGETT. Perhaps it is, but it is not going to be abolished this year, and this is just to pay for repairs to the operating machinery used there in the manufacturing plant during the next year.

Mr. SISSON. I withdraw my motion, Mr. Chairman.

The CHAIRMAN. The gentleman asks unanimous consent to withdraw his amendment. Is there objection?

There was no objection.

The Clerk read as follows:

For repairs and improvement of machinery and implements at plant at navy yard, Boston, Mass., $20,000.

Mr. MANN. I move to strike out the last word. Where were these items carried last year for repairs and improvement of machinery and implements?

Mr. PADGETT. Last year all that was carried was in one appropriation for Pearl Harbor. We omitted all of the others last year. There was no appropriation made for these yards last year. We only made an appropriation for Pearl Harbor.

Mr. MANN. Here are eight yards now that have repairs and improvement of machinery and implements. Does the gentleman say that they needed no repairs during the current year and no improvement of implements during the current year, so that nothing was carried in the last appropriation bill?

Mr. PADGETT. Nothing was carried last year.

Mr. MANN. I take it that was because we were approaching a presidential election; and I suppose our distinguished friends on the other side of the aisle were attempting to make a record for economy, and so left out provisions for repairs of machinery at these eight or nine naval stations, knowing that the plants would run down. Now they come in this year with a large appropriation for that purpose.

Mr. PADGETT. I will say to the gentleman——

Mr. MANN. I shall be glad to get the information.

Mr. PADGETT. On the contrary the department last year did not submit any estimates for any of these places, but withheld the estimates and concentrated them all at Pearl Harbor.

Mr. MANN. The department knew what would happen if they put in estimates. They were wise. Even the naval officers and the Army officers knew how you were going to cut into them last year.

Mr. PADGETT. Not at all. They could not prophesy.

Mr. GREGG of Texas. Mr. Chairman, I want to ask a question concerning lines 14 to 16, inclusive, on page 31.

Mr. PADGETT. We passed that item long ago.

Mr. GREGG of Texas. I know, but it is for repairs and preservation at navy yards and stations, $800,000.

Mr. PADGETT. Yes.

Mr. GREGG of Texas. Now, over here we have for repairs at these different navy yards, $115,000.

Mr. PADGETT. The $800,000 applied to buildings and grounds, and this applies to the machinery at operating plants.

Mr. GREGG of Texas. I wanted to make plain the fact that provision was made for the repairs and preservation of buildings in all these navy yards, separate and independent of the provisions that we moved to strike out to-day.

Mr. PADGETT. That is correct. We put buildings in one item and machinery in another.

The Clerk read as follows:

For repairs and improvement of machinery and implements at plant at navy yard, Puget, Sound, Wash., $10,000.

Mr. SISSON. I suppose the chairman of the committee, the gentleman from Tennessee, did not by his silence mean to admit that the officers of the Navy Department withheld the estimates because an election was approaching?

Mr. PADGETT. I did not.

Mr. SISSON. The fact that they were Republican Cabinet officers and withheld the estimates had nothing to do with the approaching election?

Mr. PADGETT. No.

The Clerk read as follows:

That the unobligated balances under the appropriation "Steam machinery" for the fiscal years ending June 30, 1912, and June 30, 1913, not exceeding $250,000, are hereby reappropriated and made available for the development of a type of heavy-oil engine suitable for use in one of the fuel ships authorized by the act approved August 22, 1912, and the expenditure thus incurred shall not be a charge against the limit of cost of such vessel.

Mr. FOSTER and Mr. SISSON reserved points of order.

Mr. SISSON. Mr. Chairman, I would like for the gentleman from Tennessee to explain, first, why this is not a direct appropriation instead of permission to construct it out of unobligated balances?

Mr. PADGETT. There was an unobligated balance of something like $300,000.

Mr. SISSON. Where was it; why was it not turned into the Treasury?

Mr. PADGETT. It was turned back into the Treasury, and we have reappropriated it; that is, we are making it available, but we use the word reappropriate.

Mr. SISSON. What about the balances; how much did they amount to?

Mr. PADGETT. It was about $300,000, but we say not to exceed $250,000. We wanted to appropriate $250,000 for the purpose of developing a direct internal-combustion engine which they need on our ships and which the gentleman discussed the other day with reference to using oil instead of coal. The time is coming when we ought to take some positive steps toward developing an engine that will use the oil in the cylinders instead of using it as fuel.

Mr. SISSON. I will state to the gentleman that it may be my own dullness that maks me incapable of understanding the language of the bill. He speaks of "unobligated balances under the appropriation 'Steam machinery' for the fiscal years ending June 30, 1912, and June 30, 1913, not exceeding $250,000 is hereby reappropriated." Now, were there two balances?

Mr. PADGETT. There is an unobligated balance if there is any at all for each year, because the accounts are kept separately.

Mr. SISSON. Were there two balances each year, and would the two balances amount to more than $250,000?

Mr. PADGETT. Yes; $300,000.

Mr. SISSON. Mr. Chairman, I withdraw the point of order.

Mr. SAMUEL W. SMITH. Mr. Chairman, I want to ask the gentleman a question. In line 26 you speak of it as a type of heavy-oil engine. What do you mean by heavy oil; crude oil?

Mr. SISSON. It is crude oil.

Mr. CALDER. Let me say that it is expected when this is worked out that we can operate ships much more cheaply.

Mr. PADGETT. Yes; and require much less space. Instead of having engines that occupy a great deal of space and large bunkers for coal, they will have a smaller engine and a small space for the oil.

Mr. MADDEN. Does the gentleman know that it costs a good deal more to use oil than it does coal?

Mr. PADGETT. That depends; it does on one coast, but not on the other.

Mr. MADDEN. How much of the money appropriated by this paragraph goes to the reconstruction of the boilers which are to be used for heavy oil?

Mr. PADGETT. I can not give the gentleman the separate items.

Mr. MANN. Can the gentleman say what the limit of cost is of this vessel?

Mr. CALDER. $1,000,000.

Mr. PADGETT. It is not a vessel; it is an engine.

Mr. MANN. I am more familiar with the bill than the gentleman is.

Mr. PADGETT. I misunderstood the gentleman; I thought he was asking about the engine.

Mr. MANN. I said vessel.

Mr. PADGETT. My understanding is that there was a limit placed on the cost of the ship, and the authorization last year was $1,000,000.

Mr. MANN. Will this result in building a larger ship?

Mr. PADGETT. No, sir. It is only for the purpose of building the engine.

Mr. MANN. I understand; but you appropriate $250,000 for the engine, and that saves building other engines and boilers for this ship?

Mr. PADGETT. Yes.

Mr. MANN. So that you have $1,250,000 instead of a million dollars. It is designed to build a larger ship?

Mr. PADGETT. No; but it is supposed that in the development of this engine a great deal of experimental work will be done, and it is to cover the experiment.

Mr. SAUNDERS. In effect you would get a larger ship, because you would get more ship room, requiring less engine space.

Mr. PADGETT. Yes; but the dimensions of the ship will be the same.

The Clerk read as follows:

Ten instructors, at $1,800 each.

Provided, That no commissioned officers of the Navy shall be detailed for duty as instructors at the United States Naval Academy to perform duties which were performed by civilian instructors on January 1, 1913.

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

Mr. POWERS. Mr. Chairman, I would like to ask the chairman of the committee how many civilians were employed as instructors at the Naval Academy on the 1st of January of this year?

Mr. PADGETT. Twenty-two or twenty-three, I believe, all told.

Mr. POWERS. If for any reason these men should die or resign, as the matter is now framed, the places now filled by them could not be filled by naval officers.

Mr. PADGETT. No; they would get a civilian professor. I will state to the gentleman the issue is this: In certain academic branches, such as mathematics, the languages, and English they have always had civilian instructors. The department has recommended that they should be dispensed with, and they are going to supplant them with naval officers whose salaries would be much higher than those instructors, and make it much more expensive. We believe that for these academic branches it is much better to have these regular instructors who make it a life work, rather than to detail a naval officer from a ship to go there for a couple of years and to go away and another officer to take his place. The department has already given notice to a number of these civilian instructors that they should not be employed after the 30th of June. In order that the civilian instructors shall be retained we have incorporated this provision. It is for the purpose of retaining the civilian instructors at the academy and to prevent supplanting them with naval officers at a greater cost.

Mr. MURDOCK. And it is cheaper?

Mr. PADGETT. Oh, far cheaper; yes.

Mr. HAY. I would like to ask the gentleman how it is cheaper, because you have to pay these naval officers anyway, whether at Annapolis or anywhere else.

Mr. PADGETT. That may be, but we need them in other places. We need them on the ships.

Mr. HAY. That may be; but so far as it being cheaper is concerned, it is cheaper to employ the naval officers than the civilian instructors. You would pay both of them then, and otherwise you would be paying only one.

Mr. PADGETT. Assuming we had nothing for the naval officer to do; but where we have service for him and he is needed, and we are short of naval officers, we did not feel it was proper to withdraw these officers from the actual naval service and use them in the place of civilian instructors.

Mr. POWERS. At what salary are these civilians employed?

Mr. PADGETT. There are 10 of them, at $1,800.

The CHAIRMAN. Does the gentleman from Illinois withdraw his point of order?

Mr. MANN. I do not. Will the gentleman from Tennessee yield?

Mr. PADGETT. Yes.

Mr. MANN. Do I understand it is the intention of the Navy Department, being short of officers and needing them for service at sea, to discharge the civilian instructors over there and deprive the Navy vessels and the Navy of the use of these officers by putting them in to do the teaching?

Mr. PADGETT. That is true.

Mr. MANN. If the Navy Department is so asinine as that, I think we should let them try it.

Mr. ROBERTS of Massachusetts. Not all, but only six of them.

Mr. MANN. Mr. Chairman, a few years ago the Naval Committee reported the bill to put all of these professors on the retired list. I suppose that will follow this provision if it stays in the bill. Here the committee reports to keep the instructors in one paragraph as instructors, and in the next to make the swordmaster a naval officer.

Mr. ROBERTS of Massachusetts. That is for a special purpose.

Mr. FOSTER. That is to take care of some particular man, I suppose.

Mr. MANN. That is consistency. I make the point of order, and I am going to make the point of order against the next paragraph.

The CHAIRMAN. The point of order is sustained.

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

The Clerk read as follows:

Page 41, in line 2, in lieu of the matter stricken out, insert the following:

"That no part of any sum in this act appropriated shall be expended in the pay or allowances of any commissioned officer of the Navy detailed for duty as an instructor at the United States Naval Academy, to perform duties which were performed by civilian instructors on January 1, 1913."

Mr. FOSTER. I make a point of order on that.

Mr. TRIBBLE. I make a point of order.

Mr. PADGETT. That is merely a limitation.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee.

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

The Clerk read as follows:

The President is hereby authorized to appoint, by and with the advice and consent of the Senate, a swordmaster at the United States Naval Academy, to be a first lieutenant in the United States Marine Corps as an extra number, not in the line of promotion: *Provided*, That no person shall be so appointed who has had less than 25 years' continuous service as swordmaster at that institution.

Mr. MADDEN. Mr. Chairman, I make a point of order on the first paragraph and the proviso.

Mr. TRIBBLE. Mr. Chairman, I make a point of order against the whole paragraph.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

One swordmaster, $1,600; 1 assistant, $1,200, and 2 assistants, at $1,000 each; 2 instructors in physical training, at $1,500 each, and 1 assistant instructor in physical training, at $1,000; and 1 instructor in gymnastics, $1,200; 1 assistant librarian, $2,160; 1 cataloguer, $1,200, and 2 shelf assistants, at $900 each; 1 secretary of the Naval Academy, $2,400; 2 clerks, at $1,500 each; 4 clerks, at $1,200 each; 4 clerks, at $1,000 each; 4 clerks, at $900 each; 2 clerks, at $840 each; 1 draftsman, $1,200; 1 surveyor, $1,200; services of organist at chapel, $300; 1 captain of the watch, $924; 1 second captain of the watch, $828; 22 watchmen, at $732 each; 10 instructors, at $1,800 each.

Provided, That no commissioned officers of the Navy shall—

Mr. FOWLER. Mr. Chairman, I reserve a point of order against the paragraph. I desire to ask the chairman of the committee why the dentist is left out in making up the bill?

Mr. PADGETT. If the gentleman will turn to the first page of the bill he will find he is transferred over under "Pay of the Navy."

Mr. FOWLER. That is in the first part of the bill.

Mr. PADGETT. That is under "Pay of the Navy."

Mr. FOWLER. I see the gentleman's bill carried in this same paragraph a year ago a provision for a dentist, at $2,550.

Mr. PADGETT. That is true, but the law last year was changed so that he is put under "Pay of the Navy" instead of under the Naval Academy appropriation.

Mr. FOWLER. I withdraw the point of order.

Mr. HAMLIN. One moment. I desire to ask a question for information purely. Are any of these employees provided for midshipmen?

Mr. PADGETT. No.

Mr. HAMLIN. They are all civilians employed from the outside?

Mr. PADGETT. Yes.

The Clerk read as follows:

Department of electrical engineering and physics: Two electrical machinists, at $1,000 each; two mechanics, at $1,000 each; in all, $4,000.

Mr. FOWLER. Mr. Chairman, I reserve a point of order against the paragraph. The bill carried last year a provision for one mechanic at $720, and I see you have in this bill a provision for two mechanics at $1,000 each.

Mr. PADGETT. Yes.

Mr. FOWLER. That is an increase of salary to one mechanic?

Mr. PADGETT. Yes.

Mr. FOWLER. Is it an increase for both mechanics or only for one?

Mr. PADGETT. It is an increase for one and an authorization for another.

Mr. FOWLER. That is what I thought. What is the reason for the additional mechanic?

Mr. PADGETT. I will read you:

Albert Knackstedt has been employed in the department of physics and chemistry at the Naval Academy since 1897, and is now receiving a yearly salary of $730. He is an efficient workman.

Harry F. Le Tournear has been employed as a mechanic in care of scientific apparatus in the department of physics and chemistry since 1909. He is also a skilled workman, salary $730 per annum.

The head of the department recommended that the salaries of the above-named men be increased at least to $1,000 per annum, which recommendation is approved by the superintendent.

The department believes that the salary of $730 per annum is inadequate for work of this character, and is strongly in favor of increasing the pay of these employees. If the estimates had not already been sent in when the matter was called to the department's attention, an increase in the pay of these positions would have been asked for in the regular estimates.

I was mistaken in my statement. It is an increase to two mechanics, not an authorization of one.

Mr. FOWLER. I was not sure about it, and that is the reason I asked the question. Are these men constantly employed?

Mr. PADGETT. Yes.

Mr. FOWLER. About how many hours per day are they engaged?

Mr. PADGETT. Under the Government law they can be employed only eight hours.

Mr. FOWLER. What I desired to know was whether they had regular employment.

Mr. PADGETT. Oh, every day.

Mr. FOWLER. I do not think $1,000 is too much salary, and I withdraw the point of order.

Mr. PADGETT. Mr. Chairman, I wish to offer an amendment, on page 42, line 7, to strike out the word "department" and insert the word "departments." It should be plural.

The CHAIRMAN. If there is no objection, the amendment will be agreed to.

The amendment was agreed to.

The Clerk read as follows:

Commissary department: One chief cook, $1,200; 4 cooks, at $600 each, and 8 assistants, at $300 each; 1 steward, $1,200, and 1 assistant, $600; 1 head waiter, $720, and 2 assistants, at $480 each; 2 pantry men, at $420 each; 1 chief baker, $1,200; 1 baker, $600; 2 assistants, at $540 each, and 1 assistant, $420; necessary waiters, at $16 per month each, $13,440; 1 messenger to the superintendent, $600; 27 attendants, at $300 each; in all, $35,760: *Provided*, That hereafter such additional payments from the midshipmen's commissary fund as the superintendent of the Naval Academy may deem necessary may be made to the servants authorized in the commissary department.

Mr. SISSON. Mr. Chairman, I reserve a point of order on the proviso on page 43. I call the attention of the chairman of the Committee on Naval Affairs to that. Do you propose, out of this midshipmen's commissary fund, to permit them to hire certain servants? What are these servants to do?

Mr. PADGETT. They wait on the boys.

Mr. SISSON. Are they authorized in the commissary department to wait on the table, or to shine shoes, or what?

Mr. PADGETT. To wait on the table.

Mr. MANN. If the gentleman will permit, at the Military Academy the boys pay all the expenses, and here they pay $16 a month out of the Treasury and they pay the balance out of the commissary fund. It is put in as a permanent item this year instead of as a current item.

Mr. SISSON. I see this becomes a part of the permanent law.

Mr. MANN. It is intended to have them pay part of the expense.

Mr. SISSON. You mean the boys?

Mr. MANN. Yes; as they do at the Military Academy.

Mr. PADGETT. Under the law——

Mr. SISSON. This proviso simply authorizes the president of the Naval Academy to employ these servants out of these funds when he sees fit to do so?

Mr. PADGETT. When he needs them, or sometimes in order to get satisfactory service for the boys they have to pay them more than they can pay under the law, and this is to allow them to pay this addition.

Mr. SISSON. I have no objection to that, and I withdraw the point of order, Mr. Chairman.

The CHAIRMAN. The gentleman from Mississippi [Mr. SISSON] withdraws the point of order, and the Clerk will read.

The Clerk read as follows:

Hereafter the Board of Visitors to the Naval Academy shall consist of five members of the Committee on Naval Affairs of the United States Senate and seven members of the Committee on Naval Affairs of the House of Representatives, to be appointed by the respective chairmen thereof, and the members so appointed shall visit the Naval Academy annually at such time as the chairman of the Board of Visitors shall appoint, and the Members of each House of Congress of said board may visit said academy together or separately as the said board may elect during the session of Congress. The expenses of the members of the board shall be their actual expenses while engaged upon their duties as members of said board, not to exceed $5 per day and their actual expenses of travel by the shortest mail routes: *Provided*, That so much of chapter 68, Statutes at Large, volume 20, page 290, as is inconsistent with the provisions of this act is hereby repealed.

Mr. MOORE of Pennsylvania. Mr. Chairman, I reserve a point of order on this paragraph. I would like to know something about what the members of this commission do.

Mr. PADGETT. This is putting the Naval Academy upon the same basis as the Military Academy. Heretofore they have been having a mixed board. The House appointed 3, the Senate 2, and the President 7, making a board of 12, and the annual expense has been about from $2,500 to $3,000 for the last few years.

Mr. MOORE of Pennsylvania. Is this a change in the existing law?

Mr. PADGETT. Several years ago the Congress changed the Board of Visitors as to West Point. This is making Annapolis the same as West Point, and makes a reduction in the expenses of from $2,000 to $2,500 a year.

Mr. MOORE of Pennsylvania. May I inquire whether there is any law authorizing the payment of these visitors?

Mr. PADGETT. Oh, yes; and this changes it.

Mr. MOORE of Pennsylvania. Who recommended the insertion of this particular paragraph?

Mr. PADGETT. The Naval Committee.

Mr. MOORE of Pennsylvania. Does the Navy Department stand for it?

Mr. PADGETT. I do not know whether they do or not. They were not consulted.

Mr. HENSLEY. Mr. Chairman, I desire in that connection to say to the chairman of the Committee on Naval Affairs that under this same law the expenses of this board in connection with the Military Establishment were $216.15.

Mr. PADGETT. It will save $2,000 or $2,500.

Mr. KAHN. Will the gentleman yield?

Mr. MOORE of Pennsylvania. I yield.

Mr. KAHN. The Board of Visitors to the Military Academy is now composed of seven Members of the House and five Members of the Senate. Up to about four or five years ago the Board of Visitors to the Military Academy was similar to the board, under existing law, to the Naval Academy.

Mr. PADGETT. Yes.

Mr. KAHN. Under that law visitors are appointed from various sections of the Union, and they all get mileage, which runs the expense to a considerable amount. The experience of the Military Academy has been this: Members of the House who are appointed as visitors—and they are all members of the Military Committee—go to the academy during the early part of the year and personally learn the requirements of the academy. They get information at first hand.

Mr. PADGETT. They go there during the working period.

Mr. KAHN. Exactly. And all that is paid is the actual expense of going and coming.

Mr. MOORE of Pennsylvania. What is the actual result?

Mr. KAHN. The actual result has been this: That they are better able to legislate for the academy because they have seen with their own eyes what is required at the academy.

Frequently estimates have been submitted for repairs at the Military Academy that the visitors under the existing law thought were unnecessary for the time being, and in that way money has been saved to the Government. Other repairs were found to be absolutely necessary, and in that way we were able to legislate to better advantage for the academy. I believe that the innovation has been a very good one, and I think it would be a good idea to have a board for the Naval Academy similar to the one we have for the Military Academy.

Mr. HENSLEY. Mr. Chairman, will the gentleman yield?

Mr. KAHN. Yes.

Mr. HENSLEY. If it costs this board under the law only $216.50——

Mr. KAHN. It was something of that sort. I think the expenses of the individual members of the Board of Visitors are about $25 or $26 for a visit.

Mr. HENSLEY. I have a letter from the Quartermaster General showing that it should not cost more than $500 to visit the Naval Academy, which is much nearer than West Point.

Mr. KAHN. My figures are that it costs a member of the board about $25 to visit the Military Academy and return.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman from Tennessee [Mr. PADGETT] state whether or not it is within the province of the Committee on Naval Affairs occasionally to visit this academy on its own account, rather than to have independent Members of Congress going there as they may see fit, thus becoming subject to such criticism as might be made as a result of their expenditures for personal expenses, and so forth?

Mr. PADGETT. I do not think that, as an institution, you could depend on the Members going.

Mr. MANN. Mr. Chairman, would the gentleman from Pennsylvania yield for an illustration?

Mr. MOORE of Pennsylvania. Yes.

Mr. MANN. As a result, possibly, of the change in the law concerning the Military Academy, we passed the Military Academy bill this year in the House in the shortest time any appropration bill has ever been passed during my service in the House. I think it was half an hour, and when it went to the Senate, I believe in the Senate committee there were only two inconsequential amendments inserted. I have the bill in my desk. I take it that it was largely the result of the visits which Members of the Senate and of the House made to the academy.

Mr. OLMSTED. Mr. Chairman, I would like to ask the gentleman from Tennessee a question. I notice in a proviso here, on page 44, it is worded—

Provided, That so much of chapter 68, Statutes at Large, volume 20, page 290, as is inconsistent with the provisions of this act is hereby repealed.

Mr. PADGETT. That is the law authorizing the present Board of Visitors.

Mr. LOUD. That is civilians.

Mr. OLMSTED. I looked through that chapter hastily, and I found only $26 for expenses.

Mr. PADGETT. That, I understand, is the act which authorizes the Board of Visitors, and this is to repeal it.

Mr. OLMSTED. It is a long act, and perhaps I did not study all of its provisions carefully, but I did not see anything of the kind in it.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. MOORE] has expired. The Clerk will read.

Mr. MOORE of Pennsylvania. I reserved a point of order with a view of getting a little further information. I may make the point later on. I would like to know to what extent the Navy Department is interested in this proposition?

Mr. PADGETT. I do not think they are interested in it at all. This is for the information of Congress.

Mr. MOORE of Pennsylvania. It did not originate with the department? It originated either with the Senate committee or with the House committee?

Mr. PADGETT. It originated with the House committee.

Mr. MOORE of Pennsylvania. I make the point of order against the paragraph, Mr. Chairman.

Mr. PADGETT. Mr. Chairman, it is not subject to a point of order. It is clearly within the provisions of the Holman rule. It reduces expenses by abolishing offices and curtails expenditures. It reduces expenses from $3,000 to less than $500.

Mr. MURDOCK. Mr. Chairman, may I ask the gentleman a question?

Mr. PADGETT. Yes.

Mr. MURDOCK. Is there any limitation in this paragraph as to the amount of money any individual Member of this body can expend in making trips over there?

Mr. PADGETT. Yes; it says he shall have his actual railroad expenses.

Mr. MURDOCK. And $5 a day expenses.

Mr. PADGETT. And $5 a day.

Mr. MURDOCK. He can make just as many trips as he chooses.

Mr. PADGETT. No; because under the $500 limitation he would not make very many.

Mr. MURDOCK. I did not know about the $500 limitation. Where is that?

Mr. FOWLER. In the next paragraph.

Mr. MOORE of Pennsylvania. Mr. Chairman, I think this is in conflict with existing law and is new legislation. It proposes to repeal portions of the old act that may be inconsistent herewith. It is clearly new legislation.

The CHAIRMAN. Under the statement of the chairman of the Committee on Military Affairs it reduces expenditures and comes within the Holman rule. The point of order is overruled.

Mr. MOORE of Pennsylvania. I do not think the gentleman from Tennessee will contend that the old law fixes a limitation. This clearly provides for an expenditure over and above that provided by existing law.

The CHAIRMAN. Under the old law the expense might be $2,500.

Mr. PADGETT. The appropriation in the old law is $3,000.

The CHAIRMAN. The old law appropriates $3,000, and under the proposed amendment the expenditure will be about $250.

Mr. MOORE of Pennsylvania. Does the gentleman from Tennessee assure the Chair that the old law fixes a limit of expenditure?

Mr. PADGETT. Yes.

Mr. BOEHNE. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BOEHNE. The Chair has ruled on this point of order, has he not?

The CHAIRMAN. The Chair has ruled on the point of order.

Mr. CAMPBELL. Regular order!

Mr. MOORE of Pennsylvania. I did not understand the ruling of the Chair.

The CHAIRMAN. The Chair overruled the point of order on the ground that the paragraph reduces expenditures and comes within the Holman rule.

The Clerk read as follows:

Expenses of the Board of Visitors of the Naval Academy, being actual expenses while engaged upon duties as members of the board not to exceed $5 a day and actual expenses of travel by the shortest mail routes, and for clerk hire, and other incidental and necessary expenses of the board, $500.

Mr. COX. Mr. Chairman, I reserve a point of order on the words "and for clerk hire," in line 17.

Mr. MANN. That is for actual expenses.

Mr. COX. I want to know the necessity of taking a clerk down there.

Mr. MANN. They need a clerk, of course.

Mr. COX. I do not suppose this board do very much that calls for a clerk.

Mr. PADGETT. It is not for clerk hire to the board. There is a permanent clerk at the academy, and he records the meetings of the board.

Mr. COX. What do the board do there? Do they hold meetings?

Mr. PADGETT. They hold meetings twice a day.

Mr. COX. For how long?

Mr. PADGETT. They meet in the morning about 10 o'clock, and sit until between 12 and 1, get their lunch, and then they are in session until about 5; and several times when I have been there they have held meetings after dinner.

Mr. COX. As I understand, this clerk is a permanent employee at the academy?

Mr. PADGETT. Yes.

Mr. COX. He is already paid on some other roll, is he not?

Mr. PADGETT. He is a detailed officer, and I do not know that he gets anything for that, but this is put in there so that if we did not have a detailed officer we could have a clerk to attend the meetings.

Mr. COX. What has been your practice heretofore? Do you take a clerk over with you?

Mr. PADGETT. We do not.

Mr. COX. Does the gentleman know whether any part of this appropriation goes to the pay of that clerk over there?

Mr. PADGETT. I do not.

Mr. COX. The gentleman does not know?

Mr. PADGETT. I do not.

Mr. HAMLIN. Will the gentleman explain the meaning of the words "travel by the shortest mail routes"? In the law relating to the mileage of Members I think it reads "over the route usually traveled."

Mr. PADGETT. This is the same language that is used in the military bill.

Mr. COX. Is there any law for making this allowance for this clerk?

Mr. PADGETT. Yes; it is in the old law, and we just incorporated it here, but reduced the amount from $3,000 to $500.

Mr. CAMPBELL. I want to suggest to the gentleman from Indiana that the hide and tallow, when you get them in this case, will not be worth the time it takes to skin the flea and get the tallow rendered.

Mr. COX. That may be the idea of the gentleman from Kansas. I am trying to get information.

Mr. CAMPBELL. It is the idea of any gentleman who will look into the matter for two seconds.

Mr. COX. Oh, well!

Mr. MANN. Will the gentleman yield?

Mr. COX. Certainly.

Mr. MANN. Considering the fact that the committee has left out free carriages in this item, does not the gentleman think we can afford to give them a dollar or two for a clerk?

Mr. COX. I think so; and I was doing my best to get the information.

Mr. MANN. Before this they had carriages at the expense of the Government.

Mr. COX. I think there was a permanent statute authorizing——

Mr. MANN. I note with almost regret that our Members, when they go there, will have to walk or pay their own carriage fare.

Mr. KAHN. Will the gentleman yield for a statement?

Mr. COX. Yes.

Mr. KAHN. It has been the experience of the visitors to the Military Academy that a stenographer must be brought to the

Academy to do the work of the Board of Visitors. The testimony is taken in shorthand and subsequently transcribed.

Mr. COX. Is that the practice now?

Mr. PADGETT. That is the practice at Annapolis.

Mr. KAHN. I assume that the Naval Board of Visitors will do the same.

Mr. COX. I understand the gentleman from California to say that the visitors to the Military Academy take a stenographer with them?

Mr. KAHN. No; the academy sends to some village near by West Point and brings a stenographer and typewriter to the academy for the express purpose of taking down the hearings during the visit.

Mr. PADGETT. We do the same at Annapolis; we employ a stenographer there.

Mr. COX. Mr. Chairman, I reserved the point of order for the purpose of getting information. I am going to withdraw the point of order, and I feel in withdrawing it that the Naval Committee in this instance should be complimented. In looking at the section of the statute in the preceding paragraph, they can allow themselves $2,600 for this business, and I think the committee has shown in this particular instance economy, and I compliment them for it. I withdraw the point of order.

The Clerk read as follows:

For contingencies for the superintendent of the academy, to be expended in his discretion, $2,000.

Mr. HAMLIN. Mr. Chairman, I move to strike out the last word, and I would like to ask the gentleman from Tennessee if this has been carried in previous bills.

Mr. PADGETT. Time out of mind.

Mr. HAMLIN. What are the contingent expenditures?

Mr. PADGETT. The superintendent, by virtue of his official position, is called upon to entertain the Board of Visitors and dignitaries. Visitors from abroad and different parts of the country are entertained and paid for out of this contingent fund. It is like the fund that goes to all large institutions, so that the superintendent can have some fund to meet the contingent and general expenses.

Mr. HAMLIN. I supposed that that was it. Does the superintendent report each year how the money was expended?

Mr. PADGETT. I can not tell you; I never looked into it. It is a small amount.

Mr. HAMLIN. Not very small.

Mr. PADGETT. The superintendent does an immense amount of entertaining, and necessarily must do it. I have been there with the board three different years, and I was on a special committee that spent 10 days there at one time. I have gotten very familiar with matters there. I think that this is an entirely proper expenditure.

Mr. HAMLIN. Has the gentleman ever examined any reports of the superintendent to see whether he uses the full $2,000?

Mr. PADGETT. I have not.

Mr. HAMLIN. Does not the gentleman think it would be well to look into it?

Mr. PADGETT. He reports; but whether he uses it all I do not know. He reports to the Navy Department, and reports his vouchers for the use of it.

Mr. HAMLIN. That is the point I was trying to find out, whether the gentleman knew whether he did make an itemized report.

Mr. PADGETT. I do not know to what extent it is itemized, but he makes a report.

Mr. HAMLIN. I have had occasion to realize the absolute necessity where lump-sum appropriations are given to be expended at the discretion of any officer the great importance of requiring the officer to make an itemized report, so that we who are called upon to make the appropriations may know how the money is being expended, how much of it, or whether all or a part of it is used, and from which we can judge whether or not the money is properly appropriated and properly expended. I believe that the committee—I am not offering a suggestion—but I believe that the committee ought to find out whether or not he does make a report and whether or not it is an itemized report. Mr. Chairman, I withdraw the point of order.

The Clerk read as follows:

Maintenance and repairs, Naval Academy: For general maintenance and repairs at the Naval Academy, namely: For necessary repairs of public buildings, wharves, and walls inclosing the grounds of the Naval Academy, improvements, repairs, and fixtures; for books, periodicals, maps, models, and drawings; purchase and repair of fire engines; fire apparatus and plants; machinery; purchase and maintenance of all horses and vehicles for use at the academy; seeds and plants; tools and repairs of the same; stationery; furniture for Government buildings and offices at the academy; coal and other fuel; candles, oil, and gas; attendance on light and power plants; cleaning and clearing up station and care of buildings; attendance on fires, lights, fire engines, fire apparatus, and plants, and telephone, telegraph, and clock systems; incidental labor; advertising, water tax, postage, telephones, telegrams, tolls, and ferriage; flags and awnings; packing boxes; fuel for heating and lighting bandsmen's quarters; pay of inspectors and draftsmen; music, musical and astronomical instruments; and for the pay of employees on leave, $350,000.

Mr. SISSON. Mr. Chairman, this is apparently an increase from $240,000 to $350,000, with $50,000 for the sea wall, which makes a total appropriation this year for repairs over there of $400,000.

Mr. PADGETT. There is an increase in this item, but it is a consolidation of two items. Heretofore it has been two items.

Mr. SISSON. Maintenance has been carried in a separate item?

Mr. PADGETT. Maintenance is carried in one item and repairs in another. Last year the appropriation for maintenance was $215,000 and for repairs $125,000.

Mr. SISSON. So there has been a reduction of over $100,000 in the item?

Mr. PADGETT. No; we consolidate the items, because one is maintenance and one repairs. There is an increase of $10,000.

Mr. MANN. Last year it was $344,166 for the two items and this year it is $350,000 plus $4,416.

Mr. SISSON. That is not such an increase as shows on the face of it. On the committee copy which I have it shows $240,000 last year and $350,000 this year. I withdraw the point of order.

Mr. HAMLIN. Mr. Chairman, I renew the point of order. How much leave each year have these employees?

Mr. PADGETT. I understand they have 15 days.

Mr. HAMLIN. And this item includes the pay for employees on leave?

Mr. PADGETT. Yes; they are the per diem employees there.

Mr. HAMLIN. And they have 15 days' leave each year?

Mr. PADGETT. Yes.

Mr. HAMLIN. With pay?

Mr. PADGETT. Yes.

Mr. HAMLIN. I withdraw the point of order.

The Clerk read as follows:

That after June 30, 1913, and until June 30, 1919, there shall be allowed at the Naval Academy 2 midshipmen for each Senator, Representative, and Delegate in Congress, 1 for Porto Rico, 2 for the District of Columbia, and 10 appointed each year at large: *Provided*, That midshipmen on graduation shall be commissioned ensigns in the Navy, or may be assigned by the Secretary of the Navy to fill vacancies in the lowest commissioned grades of the Marine Corps or Staff Corps of the Navy.

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

Mr. MANN. I make the point of order, Mr. Chairman.

Mr. SISSON. Mr. Chairman, I reserve the point of order for the purpose of asking the gentleman a question.

Mr. MANN. I make the point of order without asking any question.

The CHAIRMAN. The point of order is sustained and the Clerk will read.

The Clerk read as follows:

MARINE CORPS.

Pay, Marine Corps: For pay and allowances prescribed by law of officers on the active list, including clerks for assistant paymasters, five in all, $956,598.

Mr. FOWLER. Mr. Chairman, I reserve the point of order on the paragraph. I would ask the chairman of the committee if this is an increase in the allowance. I see that last year only $936,278 were appropriated for five officers.

Mr. PADGETT. Not for five officers, but for all of them.

Mr. FOWLER. This includes the clerks the same as it did a year ago?

Mr. PADGETT. It is for the pay and the allowances prescribed by law of officers on the active list, including clerks for assistant paymasters. The assistant paymasters are five, but all of the officers in the Marine Corps are included, and last year we increased the officers by 13.

Mr. FOWLER. Is that the reason for the increase here?

Mr. PADGETT. Exactly. It is a mathematical calculation.

Mr. FOWLER. And no increase in the amount paid to anyone?

Mr. PADGETT. Not at all.

Mr. FOWLER. Mr. Chairman, I withdraw the point of order.

The Clerk read as follows:

For pay and allowances prescribed by law of enlisted men on the retired list: For 3 sergeants major, 1 drum major, 26 gunnery sergeants, 27 quartermaster sergeants, 36 first sergeants, 63 sergeants, 18 corporals, 20 first-class musicians, 1 drummer, 1 trumpeter, 1 fifer, and 26 privates, and for those who may be retired during the fiscal year, $150,759.

Mr. SISSON. Mr. Chairman, I reserve the point of order. How many increases are there here?

Mr. PADGETT. I have not compared them.

Mr. SISSON. I would have to go back to the original bill, which I have not here.

Mr. PADGETT. The gentleman would have to go back to the law of last year. This is a changeable thing.

Mr. MANN. Mr. Chairman, I can give the gentleman the increase. There is 1 increase in the sergeant major, 1 increase in gunnery sergeant, 2 increases in quartermaster sergeant, 1 increase in first sergeant, 11 increases in sergeants, 4 increases in corporals.

Mr. SISSON. That is 19. So the number of officers is increased by 19?

Mr. PADGETT. They go on the retired list under the law. It is an automatic proposition. The law provides that when they reach a certain age they go onto the retired list.

Mr. SISSON. To all of which I am opposed, but I can not help it. I withdraw the point of order.

The Clerk read as follows:

In the office of the quartermaster: One chief clerk, at $2,000; 1 clerk, at $1,500; 2 clerks, $1,400 each; 2 clerks, at $1,200 each; 1 draftsman, at $1,800.

Mr. FOWLER. Mr. Chairman, I reserve a point of order against the paragraph. I desire to ask the chairman the reason for increasing the number of clerks at $1,600 each from one to two.

Mr. PADGETT. What page and line?

Mr. FOWLER. Page 48, line 10. The bill a year ago carried only one clerk at $1,400, and now it carries a provision for two at $1,400.

Mr. PADGETT. Yes. He is changed, if I remember, from a $1,200 clerk. There is one clerk at $1,500 instead of two, as were recommended, and then there are two clerks at $1,400 instead of one clerk at $1,400, as recommended.

Mr. FOWLER. What did the other clerk get, or is that a new position created?

Mr. PADGETT. The clerk is getting $1,400. There was one clerk getting $1,500, and there was one clerk getting $1,400. We have kept one clerk at $1,500, and we have increased the $1,400 clerk to two.

Mr. FOWLER. I see also you have increased the draftsman salary from $1,600 to $1,800 by the provisions of the bill.

Mr. PADGETT. Yes; that is because we have got a draftsman who is a very valuable man, and he can get outside employment, and the department said they could not hold him unless he should get $1,800, and he was such a valuable man that they recommended we give him that increase.

Mr. FOWLER. You have been hiring a draftsman at $1,600 heretofore.

Mr. PADGETT. We have had this man, and we have had, I think, 10 changes in seven years.

Mr. FOWLER. Does not the gentleman think another man could be secured if he leaves?

Mr. PADGETT. Yes; but I do not think we could get near so good a one.

Mr. FOWLER. Mr. Chairman, I make the point of order against the increase for the draftsman.

Mr. PADGETT. I hope the gentleman will not do that. This is an important matter and here is a very valuable man that the department will lose and it will embarrass the department. It is not economy. When we have a very valuable man that the people on the outside want we ought to hold or at least to give him something near what he is worth on the outside.

Mr. FOWLER. Mr. Chairman, I make the point of order.

The CHAIRMAN. Does this involve an increase of salary?

Mr. FOWLER. Yes; it involves an increase of salary from $1,600 to $1,800.

Mr. BOEHNE. Mr. Chairman, I hope the gentleman will not press his point of order. It seems to me that a competent draftsman is not overpaid at $1,800.

Mr. PADGETT. This man is actually underpaid at this price.

Mr. BOEHNE. I believe a competent draftsman who can do the work this gentleman has to perform is worth $2,000 instead of $1,600, and I hope the gentleman from Illinois will not insist upon his point of order.

Mr. PADGETT. It will really embarrass the department for the gentleman to do so and instead of economy it is just the opposite.

Mr. FOWLER. I insist on the point of order.

The CHAIRMAN. The Chair desires to ask the gentleman from Tennessee, does this simply involve an increase in the number of clerks or an increase of salary as well.

Mr. PADGETT. It increases his salary.

The CHAIRMAN. Then the point of order will be sustained.

Mr. PADGETT. Mr. Chairman, I move to amend in lieu of the language stricken out by inserting, "one draftsman at $1,600."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 48, line 11, after the word "at," insert, where it occurs the second time in that line, the figures "$1,600."

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

Mr. MADDEN. That saves how much?

Mr. BUTLER. Two hundred dollars on a poor clerk.

The Clerk read as follows:

In the office of the assistant quartermaster, San Francisco, Cal.: One chief clerk, at $1,800.

Mr. FOWLER. Mr. Chairman, I make the point of order against the paragraph that there is an increase of salary there from $1,400 to $1,800.

Mr. PADGETT. From $1,600——

Mr. FOWLER. From $1,400, as carried in the bill of last year.

The CHAIRMAN. The point of order is sustained.

Mr. PADGETT. Mr. Chairman, I offer an amendment.

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

The Clerk read as follows:

Page 38, line 13, insert in place of the figures stricken out "1,400."

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

The amendment was agreed to.

The Clerk read as follows:

In the office of the assistant quartermaster, Philadelphia, Pa.: One chief clerk, at $1,800; one messenger, at $840; in the Quartermaster's Department, for duty where their services are required, four clerks, at $1,400 each.

Mr. FOWLER. I make a point of order against the paragraph.

Mr. MOORE of Pennsylvania. Mr. Chairman, I make a point of order that the point of order comes too late. The Clerk had proceeded to read the next paragraph.

Mr. FOWLER. The salary of the chief clerk is increased from $1,600 to $1,800.

Mr. MOORE of Pennsylvania. What is the point of order, Mr. Chairman?

The CHAIRMAN. That the salary of the chief clerk is increased from $1,600 to $1,800—an increase of salary.

Mr. MOORE of Pennsylvania. And the gentleman makes that point of order against an increase of $200 for a clerk?

The CHAIRMAN. The point of order is sustained.

Mr. PADGETT. Mr. Chairman, I offer an amendment that in lieu of the figures stricken out we insert "1,600."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Line 15, in place of the figures stricken out, insert "1,600."

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

The amendment was agreed to.

The Clerk read as follows:

In all, for pay of civil force, $35,711.28, and the money herein specifically appropriated for pay of the Marine Corps shall be disbursed and accounted for in accordance with existing law as pay of the Marine Corps, and for that purpose shall constitute one fund.

Mr. RAKER. Mr. Chairman——

Mr. BUTLER. Mr. Chairman, I rise to ask the chairman of the committee whether we can not go home now?

Mr. PADGETT. The gentleman from California [Mr. RAKER] has a motion to offer.

Mr. RAKER. First, Mr. Chairman, I move to strike out the last word. I wish the gentleman from Illinois [Mr. MANN] would give me his attention for just a moment upon the amendment that was offered a moment ago. I desire to place at the end of that provision the following:

And the said vessel be turned over to the State authorities of California without any expense to the Government.

So that the amendment will read:

Amend, by inserting at the end of line 24, on page 48, the following as a new paragraph:

"That the U. S. S. Portsmouth be, and hereby is, transferred to the State of California upon condition that the said State of California, by and through its governor, accept said vessel, U. S. S. Portsmouth, for said State, after having been first duly authorized by the Legislature of said State of California, and upon the further condition that said vessel remain the property of said State, to be preserved and cared for by the said State of California at its own cost and expense, and the said vessel be turned over to the State authorities of California without any expense to the Government."

The CHAIRMAN. The Clerk will report the amendment.

Mr. MANN. It seems to me it is quite late, it being 10 o'clock. I thought we had an understanding that we would quit at this time.

Mr. RAKER. I did not understand the gentleman.

Mr. MANN. I said I thought we had an understanding that we would quit at this time. Gentlemen had been given that information.

Mr. RAKER. I wish to offer the amendment.

Mr. MANN. I make a point of order against it at this hour.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk proceeded to read the amendment.

Mr. MANN. I am going to make a point of order, if you insist on going ahead to-night.

Mr. RAKER. I did not understand the gentleman. I thought you would take it up if it was read at this time.

The CHAIRMAN. The Clerk will proceed to read the amendment.

Mr. RAKER. To avoid any complications, I understood, when the proper paragraph came, we might offer it. I do not care to take the time of the committee. I will be perfectly satisfied with any time that suits the members of the committee. I did not know we were going to quit now.

Mr. MANN. I do not know whether we are going to quit or not.

Mr. BUTLER. There are only about 75 Members here.

Mr. RAKER. The battleship proposition comes on later, and I do not want a small matter like this to fall into the maelstrom of that fight, and I thought we could get it through at this time. I hope the gentleman from Illinois [Mr. MANN] will see his way clear. The last part of the amendment says that it shall be at the expense of the State of California, and, next, that the turning over of it shall be entirely without any expense to the Government. I trust the gentleman may see his way clear not to object.

Mr. MANN. May I ask the gentleman from Tennessee [Mr. PADGETT] when he intends to quit?

Mr. PADGETT. I would like to go ahead. I said to the gentlemen that when we got to this point we would quit. The floor leader [Mr. UNDERWOOD] desires that we continue down to the "Increase in the Navy."

Mr. MANN. I have been here since 10.30 o'clock this morning, and am willing to sit until 10.30 to-morrow morning, if necessary. A good many understood that the committee would rise when we got to the top of page 49. Some gentlemen have gone away who have been watching this bill.

Mr. UNDERWOOD. Mr. Chairman, this is an important supply bill. I have not attempted to interfere with it, and I think every effort has been given in this House for every Member to exercise his right to amendment and discussion. The supply bills have got to go through, even if they have to go through under a rule, and I hope the committee will stay here patiently for a few minutes longer. There are no contested items between here and the battleships.

Mr. MANN. There will be if you stay.

Mr. UNDERWOOD. Let us read down to the battleships and try and agree upon a time for debate to-morrow, and take it up to-morrow.

Now, I am not a two-battleship man. I will vote for one battleship, but I want to get the bill through. I think, whether it goes through with one battleship or two battleships, the bill is entitled to become a law, and I think we are entitled to run this bill a while longer. I hope that gentlemen on that side of the House will not interfere with a reasonable request.

Mr. MANN. Mr. Chairman, I make a point of order against everything. I make a point of order that there is no quorum present. We had an agreement as to when the committee would rise. If the gentlemen on that side do not want to keep their agreements we can not reach an understanding.

The CHAIRMAN. The point of no quorum is made. The Chair will count to see if there is a quorum. [After counting.] One hundred and nine Members are present, a quorum.

Mr. MANN. Mr. Chairman, I make a point of order against the amendment.

Mr. RAKER. Will the gentleman just withhold for a moment?

Mr. MANN. No; I will not agree to anything.

Mr. RAKER. Let me ask unanimous consent to address the House.

Mr. MANN. No; I will not agree to anything.

SEVERAL MEMBERS. Regular order!

The CHAIRMAN. The regular order is demanded. The Clerk will read.

Mr. RAKER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. What is the inquiry?

Mr. RAKER. May I not have opportunity to ask unanimous consent to address the House for five minutes?

Mr. MANN. I object.

The CHAIRMAN. The gentleman can make his request, of course.

Mr. RAKER. I make the request.

The CHAIRMAN. Is there objection?

Mr. MANN. I object as long as gentlemen will not preserve any of the amenities.

The CHAIRMAN. Objection is made. The Clerk will read.

The Clerk read as follows:

MAINTENANCE, QUARTERMASTER'S DEPALTMENT, MARINE CORPS.

Provisions, Marine Corps: For noncommissioned officers, musicians, and privates serving ashore; subsistence and lodging of enlisted men when traveling on duty, or cash in lieu thereof; commutation of rations to enlisted men regularly detailed as clerks and messengers; payment of board and lodging of applicants for enlistment while held under observation, recruits, and recruiting parties; transportation of provisions, and the employment of necessary labor connected therewith; ice for offices and preservation of rations, $890,000; and no law shall be construed to entitle marines on shore duty to any rations, or commutation thereof, other than such as now are or may hereafter be allowed to enlisted men in the Army: *Provided*, That hereafter so much of this appropriation as may be necessary may be applied for the purchase, for sale to officers, enlisted men, and civilian employees, of such articles of subsistence stores as may from time to time be designated and under such regulations as may be prescribed by the Secretary of the Navy.

Mr. MANN. Mr. Chairman, I make a point of order against the paragraph.

The CHAIRMAN. The gentleman from Illinois makes a point of order against the paragraph.

Mr. PADGETT. What is the point of order?

Mr. MANN. Well, if the gentleman does not recognize it, I shall be glad to state it. The provision—

Provided, That hereafter so much of this appropriation as may be necessary may be applied for the purchase, for sale to officers, enlisted men, and civilian employees, of such articles of subsistence stores as may from time to time be designated and under such regulations as may be prescribed by the Secretary of the Navy—

is legislation, in my judgment. I do not know whether or not the gentleman from Tennessee recognizes it as such. But it is not in order under the Holman rule, and it is in violation of Rule XXI of the rules of the House.

Mr. PADGETT. Let the Chair rule.

The CHAIRMAN. The point of order is sustained.

Mr. PADGETT. Mr. Chairman, I offer as a new paragraph, in lieu of the language stricken out, the language contained in the bill from line 1, page 49, down to and including the word "Army," in line 15.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Tennessee [Mr. PADGETT].

The Clerk read as follows:

Amend by inserting in lieu of the matter stricken out the following:

"MAINTENANCE, QUARTERMASTER'S DEPARTMENT, MARINE CORPS.

"Provisions, Marine Corps: For noncommissioned officers, musicians, and privates serving ashore; subsistence and lodging of enlisted men when traveling on duty, or cash in lieu thereof; commutation of rations to enlisted men regularly detailed as clerks and messengers; payment of board and lodging of applicants for enlistment while held under observation, recruits, and recruiting parties; transportation of provisions, and the employment of necessary labor connected therewith; ice for offices and preservation of rations, $890,000; and no law shall be construed to entitle marines on shore duty to any rations, or commutation thereof, other than such as now are or may hereafter be allowed to enlisted men in the Army."

Mr. MANN. Mr. Chairman, I make a point of order against the amendment. It is a change of existing law. I think it does not come under the Holman rule. The last part of the amendment is that—

No law shall be construed to entitle marines on shore duty to any rations, or commutation thereof, other than such as now are or may hereafter be allowed to enlisted men in the Army.

Mr. PADGETT. Mr. Chairman, that is usually carried in the law, and has been.

Mr. MANN. It undoubtedly has been and usually is, and perhaps ought to be. I do not know. The gentleman from Tennessee awhile ago made an agreement with me as to when the committee would rise.

Mr. PADGETT. Yes; I did.

Mr. MANN. If these agreements are not to be kept, if the gentleman from Alabama [Mr. UNDERWOOD], who does not stay in the House while we are considering the bill, comes in and asks gentlemen to violate their agreements, I do not propose to waive any points of order.

Mr. UNDERWOOD. Mr. Chairman, as to the point of order, the first point of order is that the gentleman from Illinois [Mr. MANN] overlooks one question in this House. I have notified him several times that when I make an agreement with that side of the House I shall make the agreement with the gentleman from Illinois. This side of the House is entitled to that degree of respect from the gentleman from Illinois that when he wants to make an agreement as to the conduct of business on this side of the House he consult with the man whom this side of the House have selected to represent them. [Applause on the Democratic side.] As to the gentleman's statement that I have not been on the floor, I have been on the floor this entire day except when called out of the Hall temporarily. It is not my desire to interfere with this bill, but I do say that in this late hour of the session, when the great supply bills have got to be passed and become laws, it is the duty of every man who represents a constituency on this floor to make an earnest and a proper effort to supply the necessary funds to run this Government.

I know that when we reach the battleship item to-morrow morning it will bring on a great deal of debate. I think that debate ought to occur early. We should have this bill out of the way to-morrow. I am told by members of the committee

that the next few pages in the bill do not involve points of any great interest, and I think it is proper and right, in the expedition of the public business, that we should read down to that point. It meets with the approval of the gentlemen on this side of the House who are fighting this bill. Many gentlemen on that side of the House want the bill to pass. It can not be contrary to their wishes that we proceed with the consideration of the bill; and I say again to the gentleman from Illinois—I have said it to him privately before and I say it to him publicly now, so that he may make no mistake about it in the future—there is but one man commissioned on this side of the House to act for the leadership of this House, and when he wants to make an agreement he will find me here to make it with him.

Mr. MANN. The trouble with the gentleman from Alabama is that we do not find him here to make it with him.

Mr. UNDERWOOD. Well, he is here.

Mr. MANN. And when the chairman of a committee, representing the Democratic side of the House, has a bill in charge on the floor of the House, I do not propose to go to the gentleman from Alabama, who is not in charge of the bill, to make an agreement concerning the bill. If the gentleman from Alabama proposes to run that side of the House, I hope he will do so. He ought to have been here to-day, when that side of the House was filibustering against the bill, attempting to defeat the Democratic committee which brought in the bill and which this side of the House helped to defend. The gentleman from Alabama was conspicuously absent when that contest and filibuster were going on, and the gentleman from Tennessee found it very convenient to receive the support of this side of the House. The gentleman from Tennessee [Mr. PADGETT] is in charge of this bill, placed there by the Democratic majority of the House; and if I wish to make an agreement with some one concerning the bill or its progress, I shall continue to go to the gentleman in charge of the bill who is on the floor, rather than to the distinguished gentleman from Alabama. [Applause on the Republican side.]

Mr. UNDERWOOD. Mr. Chairman, I have protected the gentleman's rights many times in this Congress, and have recognized his leadership on that side of the House. I have been here all day. It is not my place to lead the fight on this bill; but if the gentleman from Illinois prefers to run the House without agreements with me, he is entirely welcome to do so. I will try to get along without making agreements with the gentleman from Illinois; and I now ask for the regular order.

The CHAIRMAN. The point of order made by the gentleman from Illinois is sustained.

Mr. PADGETT. Mr. Chairman, I offer an amendment containing the language beginning with line 3, on page 49, down to line 12, including the words "$890,000."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 49, by inserting in place of the language stricken out the following:

"Provisions, Marine Corps: For noncommissioned officers, musicians, and privates serving ashore; subsistence and lodging of enlisted men when traveling on duty, or cash in lieu thereof; commutation of rations to enlisted men regularly detailed as clerks and messengers; payment of board and lodging of applicants for enlistment while held under observation, recruits, and recruiting parties; transportation of provisions, and the employment of necessary labor connected therewith; ice for offices and preservation of rations, $890,000."

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

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

The Clerk read as follows:

Transportation and recruiting, Marine Corps: For transportation of troops, and of applicants for enlistment between recruiting stations and recruit depots or posts, including ferriage and transfers en route, or cash in lieu thereof; toilet kits for issue to recruits upon their first enlistment and the expense of the recruiting service, $317,000: *Provided*, That authority is hereby granted to employ the services of an advertising agency in advertising for recruits under such terms and conditions as are most advantageous to the Government.

Mr. MANN. Mr. Chairman, I make a point of order against the paragraph.

The CHAIRMAN. The point of order is sustained.

Mr. PADGETT. Mr. Chairman, I offer the following amendment to take the place of the language stricken out.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Insert, in place of the paragraph stricken out, the following:

"Transportation and recruiting, Marine Corps: For transportation of troops, and of applicants for enlistment between recruiting stations and recruit depots or posts, including ferriage and transfers en route, or cash in lieu thereof; toilet kits for issue to recruits upon their first enlistment and the expense of the recruiting service, $317,000."

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

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

The Clerk read as follows:

INCREASE OF THE NAVY.

Mr. PADGETT. Mr. Chairman, I would like to ask if we can make an agreement for a limit of time for general debate on the increase in the Navy.

Mr. MANN. I ask for the regular order, Mr. Chairman.

Mr. PADGETT. I move to correct the punctuation on line 10, page 53, where there is a period instead of a comma after the word "fees," by striking out the period and inserting a comma.

The amendment was agreed to.

Mr. PADGETT. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. ALEXANDER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 28812, the naval appropriation bill, and had come to no resolution thereon.

Mr. SPARKMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 28180, disagree to the Senate amendments, and ask for a conference.

Mr. MANN. I object.

The SPEAKER. The gentleman from Illinois objects.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 8439. An act restricting the issuance of interlocutory injunctions to suspend the enforcement of the statute of a State or of an order made by an administrative board or commission created by and acting under the statute of a State; to the Committee on the Judiciary.

S. 8182. An act granting to the Inter-City Bridge Co., its successors and assigns, the right to construct, acquire, maintain, and operate a railway bridge across the Mississippi River; to the Committee on Interstate and Foreign Commerce.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 20102. An act relating to proof of signatures and handwriting; and

H. R. 26279. An act granting the Fifth-Third National Bank of Cincinnati, Ohio, the right to use original charter No. 20.

TREATY WITH THE REPUBLIC OF PANAMA.

The SPEAKER laid before the House the following message from the President of the United States, which was read, ordered printed, and referred to the Committee on Appropriations:

To the Senate and House of Representatives:

With reference to the appropriation asked in the letter of the Secretary of State of January 4, 1913, to the Secretary of the Treasury (H. Doc. 1262, 62d Cong., 3d sess.), it is now necessary for me to reiterate, as most urgent, the recommendation that there be appropriated and made immediately available the sum of $250,000 to be payable to the Republic of Panama when directed by the Secretary of State under article 14 of the convention between the United States and Panama for the construction of a ship canal, dated November 18, 1903, the ratifications of which were exchanged February 26, 1904, and which was proclaimed on the same date.

Article 14 of the aforesaid treaty provides as follows:

As the price or compensation for the rights, powers, and privileges granted in this convention by the Republic of Panama to the United States, the Government of the United States agrees to pay to the Republic of Panama the sum of $10,000,000 in gold coin of the United States on the exchange of the ratification of this convention and also an annual payment during the life of this convention of $250,000 in like gold coin, beginning nine years after the date aforesaid.

The provisions of this article shall be in addition to all other benefits assured to the Republic of Panama under this convention.

The sum which the Congress is now asked to appropriate becomes payable beginning February 26, 1913, under the provisions of the convention of 1903. It will be recalled that in 1909 a tripartite arrangement was made between the United States, the Republic of Colombia, and the Republic of Panama by means of three interdependent treaties. Among the various provisions of this arrangement was one whereby the Government of the United States was to begin the payments of this annuity of $250,000 five years earlier than provided for in the convention of November 18, 1903, namely, February 26, 1908. The Republic of Panama agreed, with the consent of the United

States, to assign to the Republic of Colombia the first 10 installments, and the Government of the United States agreed to make these first 10 payments to the Republic of Colombia for the account of the Republic of Panama. The advice and consent of the Senate of the United States to the ratification of the treaties to which the United States is a party was given unconditionally as to the treaty with Colombia and conditionally as to the treaty with Panama; the Government of Panama has unconditionally approved the treaties to which Panama is a party and later indicated its willingness to ratify the treaty with the United States as modified by the Senate; but the Government of Colombia having failed to give its assent to the ratification of the treaties to which Colombia is a party, and the treaties being interdependent, the ratifications thereof have never been effected.

Inasmuch as one or all of the signatory parties may at any time withdraw from the unconsummated and, therefore, for the time being, inoperative arrangement contemplated by these unconcluded treaties of 1909, and inasmuch as the Republic of Colombia has failed to ratify the treaties of January 9, 1909, to which it is a party, these three interdependent treaties are left inoperative and the original stipulation of the convention of 1903, whereby the Government of the United States was to make payments to Panama under article 14 thereof, becomes effective. It is evidently necessary, therefore, that the Executive be forthwith placed in position to respond at the proper time to the obligation of the United States under the convention of 1903 with Panama for the construction of a ship canal. I therefore most earnestly urge immediate action as absolutely necessary to place this Government in position to respond at once to its treaty obligation.

WM. H. TAFT.

THE WHITE HOUSE, *February 25, 1913.*

Mr. TAYLOR of Colorado. Mr. Speaker, I want to move to suspend the rules and pass the resolution which I send to the Clerk's desk.

Mr. MANN. The gentleman will have to have a quorum to do it. I make the point of order that no quorum is present.

The SPEAKER. There is no quorum present.

ADJOURNMENT.

Mr. PADGETT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 40 minutes p. m.) the House adjourned until to-morrow, Wednesday, February 26, 1913, at 10.30 o'clock a. m.

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 Secretary of the Treasury, transmitting communication from the Secretary of the Interstate Commerce Commission containing statement of machines, equipment, etc., transferred to the Government Printing Office as required by act approved August 23, 1912 (H. Doc. No. 1423); to the Committee on Interstate and Foreign Commerce and ordered to be printed.

2. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the presiding judge of the Commerce Court submitting a deficiency estimate of appropriation for the board of arbitration, interstate commerce controversies (H. Doc. No. 1422); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. COX, from the Committee on Expenditures in the Treasury Department, submitted a report (No. 1572) on an investigation as to the rate of tax on oleomargarine, which was referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. TILSON, from the Committee on Military Affairs, to which was referred the bill (S. 6244) to restore Capt. Harold L. Jackson, retired, to the active list of the Army, reported the same without amendment, accompanied by a report (No. 1573), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

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

By Mr. SMITH of Texas: A bill (H. R. 28852) to prescribe the conditions under which corporations may engage in interstate commerce and to provide penalties for otherwise engaging in the same; to the Committee on Interstate and Foreign Commerce.

By Mr. CRAVENS: Resolution (H. Res. 869) providing for clerical assistance to the Committee on Enrolled Bills; to the Committee on Accounts.

By Mr. HAYDEN: Memorial from the Legislature of the State of Arizona, asking that Congress appropriate $25,000 to pay one-third of the cost of a bridge across the Colorado River at Yuma; to the Committee on Indian Affairs.

By Mr. MONDELL: Memorial from the Legislature of Wyoming, relative to restoring to entry lands now withdrawn in Wyoming under the North Platte project of the United States Reclamation Service; to the Committee on the Public Lands.

Also, memorial from the Legislature of the State of Wyoming, regarding damage done Cody municipal water supply by the construction of certain public works; to the Committee on the Public Lands.

Also, memorial from the Legislature of the State of Wyoming, requesting Congress to set aside certain lands for grazing purposes for the aid, protection, and relief of homesteaders and residents of the old Fort Bridger Military Reservation and those adjacent thereto; to the Committee on the Public Lands.

Also, memorial from the Legislature of the State of Wyoming, relative to the expenditure of 25 per cent of the receipts of the national forests for the construction and maintenance of roads and trails within the national forests from the States in which such proceeds are derived; to the Committee on the Public Lands.

Also, memorial from the Legislature of the State of Wyoming, favoring the cessions by the Government of the United States to the States of all vacant and unappropriated lands; to the Committee on the Public Lands.

Also, memorial from the Legislature of the State of Wyoming, favoring the enactment of a law giving ample protection to migratory game birds; to the Committee on the Public Lands.

By Mr. ASHBROOK: Joint resolution adopted by the Legislature of the State of Wyoming, favoring an amendment to the Constitution of the United States granting Congress power to levy a tax on incomes; to the Committee on Ways and Means.

By Mr. WHITE: Joint resolution of the General Assembly of Ohio, memorializing Congress relative to the construction of levees, flood walls, etc., along the Ohio River; to the Committee on Rivers and Harbors.

Also, joint resolution of the Legislature of the State of Ohio, memoralizing Congress relative to a system of national highways; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS.

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

By Mr. JACOWAY: A bill (H. R. 28853) granting an increase of pension to Eliza J. Adams; to the Committee on Invalid Pensions.

By Mr. LITTLEPAGE: A bill (H. R. 28854) for the relief of J. W. Miller, administrator of the estate of Isaac C. Miller, deceased; to the Committee on War Claims.

By Mr. McCALL: A bill (H. R. 28855) granting a pension to Mary J. Phinney; to the Committee on Pensions.

Also, a bill (H. R. 28856) granting a pension to Annie G. Nagle; to the Committee on Pensions.

Also, a bill (H. R. 28857) granting an increase of pension to Annie C. Small; to the Committee on Pensions.

PETITIONS, ETC.

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

By Mr. ADAMSON: Petition of citizens of Peterson, Minn., favoring the passage of legislation compelling concerns selling goods direct to the consumer by mail to contribute their portion of the funds for the development of the local community, county, and State; to the Committee on Interstate and Foreign Commerce.

By Mr. AIKEN of South Carolina: Petition of the order of Daughters of the American Revolution, Charleston, S. C., favoring the passage of legislation for the preservation of the Old Colonial Exchange, Charleston, S. C.; to the Committee on the Library.

By Mr. DRAPER: Petition of owners of grain elevators, Buffalo, N. Y., protesting against the passage of House bill 28180, with reference to securing a channel from the outer harbor to connect with the Buffalo River and for the enlargement of the anchorage basin in the outer harbor; to the Committee on Rivers and Harbors.

By Mr. DYER: Petition of Joel Hillman and the Washington Mercantile Co., Washington, D. C., protesting against the passage of the Jones-Works liquor bill for the regulation of the liquor traffic in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of the Missouri State Bottlers' Protective Association, Kansas City, Mo., favoring the passage of legislation for the removal of all duties on sugar; to the Committee on Ways and Means.

Also, petition of the International Reform Bureau, Washington, D. C., favoring the passage of the Jones-Works excise bill for the regulation of the liquor traffic in the District of Columbia and suggesting an amendment for same; to the Committee on the District of Columbia.

Also, petition of W. L. JONES and JOHN D. WORKS, Washington, D. C., favoring the passage of the Jones-Works excise bill, for the regulation of the liquor traffic in the District of Columbia, in its present form; to the Committee on the District of Columbia.

Also, petition of the International Reform Bureau, Washington, D. C., 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.

Also, petition of Carrie C. Ware and the American Sign Co., St. Louis, Mo., favoring the passage of House bill 25685, providing for the tagging and labeling of all fabrics and articles of clothing intended for sale under interstate commerce; to the Committee on Interstate and Foreign Commerce.

By Mr. LINDSAY: Petition of Eugene V. Murphy, Brooklyn, N. Y., favoring an amendment to the naval appropriation bill providing for the building of one of the new battleships in a Government navy yard; to the Committee on Naval Affairs.

Also, petition of the National Liquor League of the United States, New York, N. Y., favoring the passage of legislation to repeal the clause making an appropriation of $5,000 for the purpose of sending delegates to the International Congress on Alcoholism; to the Committee on Appropriations.

By Mr. NYE: Petition of the Minneapolis Retail Grocers' Association, Minneapolis, Minn., favoring the passage of House bill 27567, for a 1-cent letter-postage rate; to the Committee on the Post Office and Post Roads.

By Mr. RAKER: Petition of the Whittier Board of Trade, Whittier, Cal., favoring the passage of the Weeks bill (H. R. 27567) for a 1-cent letter-postage rate; to the Committee on the Post Office and Post Roads.

Also, petition of the A. H. Hitchcock Publishing Co., Chicago, Ill., protesting against the passage of legislation extending the parcels post to include the third-rate postage; to the Committee on the Post Office and Post Roads.

SENATE.

WEDNESDAY, *February 26, 1913.*

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

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

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

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

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the joint resolution (H. J. Res. 398) to direct and empower the Commissioners of the District of Columbia to revoke licenses under certain conditions, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the bill (S. 3947) to provide for a bridge across Snake River, in Jackson Hole, Wyo.

PETITIONS AND MEMORIALS.

Mr. BRANDEGEE presented resolutions adopted by the Trades Council of New Haven, Conn., favoring the strict enforcement of the law providing for the inspection of locomotive boilers and safety appliances, etc., which were referred to the Committee on Interstate Commerce.

Mr. CRAWFORD presented memorials of sundry citizens of Chamberlain and Harding County, in the State of South Dakota, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

Mr. TOWNSEND presented memorials of sundry citizens of Battle Creek and Berrien Springs, in the State of Michigan, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

Mr. POMERENE. I present a joint resolution passed by the Legislature of the State of Ohio, which I ask may be printed in the RECORD and referred to the Committee on Agriculture and Forestry.

There being no objection, the joint resolution was referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

Senate joint resolution 6.

Joint resolution memorial to Congress relative to system of national highways.

Whereas the question of transportation has been paramount to all other questions since the dawn of civilization; and

Whereas until the end of time there will be three methods of transportation, namely, railroad, water, and wagon roads; and

Whereas two of our great systems of transportation, namely, railroad and steamship lines, have been aided by the Government and then taken over and controlled by individuals and corporations and are now operated for pecuniary gain and to which all contribute; and

Whereas transportation by wagon over public roads has been taken over by the several States of the Union and their common use accorded to all people of the Nation free of charge; and

Whereas Congress of the United States has appropriated, in aid of railroad construction, public lands to the value of at least $1,000,000,000; for rivers and harbors since 1875, $592,395,000; for improvement of the Mississippi River since June 30, 1902, $16,582,000; for public buildings since June 30, 1911, $213,376,000; for public roads in Alaska, Philippines, Porto Rico, Guam, and the Canal Zone, $8,300,000, and estimated appropriation of $400,000,000 for the Panama Canal; and

Whereas the United States has 2,198,645 miles of public roads, of which only 190,679, or 8.66 per cent of the total, are improved; and

Whereas it is estimated by the Office of Public Roads at Washington, D. C., that 90 per cent of travel is confined to 20 per cent of the roads of the United States and that the improvement of 440,000 miles of public roads would practically meet the present demand throughout the country; and

Whereas the exigency of the present times makes necessary a system of national highways: Therefore be it

Resolved by the Senate and the House of the Eightieth General Assembly of the State of Ohio, That we urge upon Congress of the United States the necessity of the early designation, construction, and maintenance of a system of national highways; be it further

Resolved, That the secretary of the State of Ohio is hereby instructed to forthwith transmit certified copies of this resolution to all Ohio Members of the Senate and House of Representatives of Congress of the United States and the Clerks of these respective bodies at Washington, D. C.

Adopted January 30, 1913.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Mr. WILLIAMS presented a memorial of sundry citizens of Jackson, Miss., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

Mr. WARREN. I present a joint memorial of the Legislature of the State of Wyoming, which I ask may lie on the table and be printed in the RECORD.

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

THE STATE OF WYOMING,
OFFICE OF THE SECRETARY OF STATE.

UNITED STATES OF AMERICA,
State of Wyoming, ss:

I, Frank L. Houx, secretary of state of the State of Wyoming, do hereby certify that the following copy of house joint memorial No. 3, adopted by the Legislature of the State of Wyoming, has been carefully compared with the original, filed in this office on the 18th day of February, A. D. 1913, and is a full, true, and correct copy thereof:

House joint memorial 3.

Whereas there have been introduced in Congress three bills (H. R. 36, H. R. 4428, S. 2367) to afford Federal protection to migratory game birds; and

Whereas there is a very general sentiment in this State in favor of such protection, and an urgent request for the enactment of such a law has been made, as appears by the numerous petitions received: Now therefore

Resolved (the senate concurring), That Congress be, and hereby is, requested to enact a law giving ample protection to migratory game birds.

Resolved, That the legislatures of all the States of the United States, now in session or when next convened, be, and they are hereby, respectfully requested to join in this request by the adoption of this or an equivalent resolution.

Resolved further, That the secretary of state be, and he hereby is, directed to transmit copies of this resolution to the Senate and the House